



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 18, 2017

MR. JOHN GREENEWALD JR.
[REDACTED]
[REDACTED]

FOIPA Request No.: 1372517-000
Subject: FISHBEIN, MORRIS, MD

Dear Mr. Greenewald:

Records responsive to your request were previously processed under the provisions of the Freedom of Information Act. Enclosed is one CD containing 95 pages of previously processed documents and a copy of the Explanation of Exemptions. This release is being provided to you at no charge.

Documents or information referred to other Government agencies were not included in this release.

Records potentially responsive to the FOIA have been sent to the National Archives and Records Administration (NARA). Since these records were not reviewed, it is not known if they are actually responsive to the FOIA. If you wish to review these potentially responsive records, send your request to NARA, 8601 Adelphi Road, College Park, MD 20740-6001 using the following file numbers as references:

61-HQ-9877	101-HQ-3667-Serial 75
61-HQ-7943	105-HQ-63132-Serials 30, 35
9-HQ-10624	105-HQ-11521-Serial 4
100-HQ-345374	94-HQ-3-4-Sub 597-Serials 3, 5
100-HQ-53950-Serial 226	94-HQ-1-23156-Serial 52
100-HQ-93216-Serial 18	65-HQ-44506-Serial 23
100-HQ-107278-Serial 21	65-HQ-12119-Serial 3
100-HQ-339147-Serial 73	100-CG-18154-Serial 1
100-HQ-62018-Serial 901	100-CG-16574-Serial 29
100-HQ-355953-Serials 19, 27, 38	100-CG-17728-Serial 176
100-HQ-225072-Serial 1	100-CG-0-Serial 67348
100-HQ-366523-Serial 1	100-NY-80087-Serial 139
100-HQ-16-Sub 40-Serials 17, 22, 25, 31, 34, 36	100-NY-90808-Serial 11

Please be advised that additional records potentially responsive to your subject may exist. If this release of previously processed material does not satisfy your information needs for the requested subject, you may request an additional search for records. Submit your request by mail or fax to – Work Process Unit, 170 Marcel Drive, Winchester, VA 22602, fax number (540) 868-4997. Please cite the FOIPA Request Number in your correspondence.

Records (File 60-CG-392, File 61-CG-174-Sub 1B-Serials 16, 22-25, 27 and 29, File 105-CG-523-Serial 3, and File 100-CG-14302-Serial 13, 62-HQ-0-Serial 11133, 105-HQ-12706-Serial 5, and 105-HQ-23339-Serial 4) which may have been responsive to your FOIA request have been destroyed. Since this material could not be reviewed, it is not known if it was responsive to your request. The retention and disposal of records are governed by statute and regulation under the supervision of the National Archives and Records Administration (NARA), Title 44, United States Code, Section 3301 and Title 36, Code of Federal Regulations, Chapter 12, Sub-chapter B, Part 1228. The FBI Records Retention Plan and Disposition Schedules have been approved by the United States District Court for the District of Columbia and are monitored by NARA.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

New York, New York
February 5, 1952

CHICAGO.....DEFERRED

MYRON WEISS DASH VOA. BUDED JANUARY TWENTY EIGHT, FIFTY TWO. REBUFILE
ONE TWO THREE DASH ONE TWO EIGHT SIX ONE. APPLICANT BORN JULY FOURTEENTH,
NINETY FOUR, CLEVELAND, OHIO. SELF-EMPLOYED AS EDITORIAL COUNSELLOR SINCE
THIRTY EIGHT AND FROM TWENTY FIVE TO THIRTY EIGHT AS ASSISTANT EDITOR,
TIME MAGAZINE, NYC. CREDIT RECORDS REFLECT APPLICANT IN FORTY SEVEN DID
SOME WRITING FOR PILLARY PUBLICATIONS, EVANSTON, ILL. APPLICANT ALSO
WELL KNOWN TO DR. MORRIS FISHBEIN, WHO CAN BE REACHED THROUGH THE AMERICAN
MEDICAL ASSOCIATION, CHICAGO, ILL. HANDLE, EXPEDITE.

SCHEIDT

CC:BUREAU ✓

JJR:EK
123-8691

INDEXED - 61

EX-140

123-12861

FILED 6 1952

50 FEB 29 1952

U S DEPT OF JUSTICE

F B I

SPECIAL INVESTIGATION SECTION

FEB 5 11 04 AM '52

RECEIVED FBI

F 342

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 7 1952

TELETYPE

Mr. Tolson
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

[Handwritten signature]
ECH

WASHINGTON 4 FROM CHICAGO 7 12-37PM

DIRECTOR DEFERRED

MYRON WIESS, VOA. REBUFILE ONE TWO THREE DASH ONE TWO EIGHT SIX ONE AND NEW YORK TEL TO CHICAGO FEB. FIVE LAST. DR. MORRIS FISHBEIN OUT OF COUNTRY UNTIL FEB TWELVE NEXT. UACB FISHBEIN WILL BE INTERVIEWED UPON HIS RETURN TO CHICAGO AND REPORT SUBMITTED IMMEDIATELY THEREAFTER.

O-CONNOR

50 FEB 29 1952

RECORDED - 61

EX-140

1123-12861-7
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14 FEB 21 1952

[Handwritten initials]

F392

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

BUREAU

FILE NO.

REPORT MADE AT CHICAGO, ILLINOIS	DATE WHEN MADE 2/15/52	PERIOD FOR WHICH MADE 2/6,12/52	REPORT MADE BY WALTER E. PETERS WEP/js
TITLE MYRON WEISS			CHARACTER OF CASE SPECIAL INQUIRY - STATE DEPARTMENT, Public Law 402, 80th Congress, (VOICE OF AMERICA)

SYNOPSIS OF FACTS:

REQ. REC'D

ANS. AUG 27 1951

BY

Dr. MORRIS FISHBEIN, Chicago, Illinois, advised that he was associated with MYRON WEISS from approximately 1926 to 1935 during which period WEISS was Science Editor for "Time" Magazine. FISHBEIN stated that he believes WEISS is of good character, associates, and loyal to the United States. No record of Pillaby Publications, Evanston, Illinois, in Bell Telephone Directories, at the Credit Bureau of Evanston, Illinois, or at Deering Library, Northwestern University.

- RUC -

AGENCY

REQ. REC'D

REP'T FORM

REFERENCE: New York teletype to Chicago, 2/5/52

DETAILS:

SEE REVERSE SIDE FOR
ADD. DISSEMINATION.

Doctor MORRIS FISHBEIN, 5543 Blackstone, Chicago, Illinois, advised that he was associated with MYRON WEISS from approximately 1926 to 1935, during which time WEISS was the Science Editor for "Time" Magazine. Dr. FISHBEIN pointed out that at the time, he was connected with the American Medical Association, and through his position in that organization, furnished material to WEISS for print in "Time" Magazine. He stated that he also edited some of WEISS's articles in "Time" Magazine from the technical viewpoint. Dr. FISHBEIN said he believed that WEISS was a capable individual in his field, and stated that during the period of his association with him, he believed WEISS was a person of good character, loyal, and reputable associates. Dr. FISHBEIN also related that he knew WEISS socially, and that he considered his wife to be "slightly

APPROVED AND FORWARDED <i>H. D. Conant</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT 3 Bureau (123-12861) (am) 1 Chicago (123-2283)		RECORDED - 38	INDEXED - 38
1 CC to State Lsk/dll 2/20/52		EX-164	

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CG 123-2283

on the left side" but had never connected her with any organizational activities and felt that her leaning to the "left" was based on the fact that she was always for the "underdog." Dr. FISHBEIN stated that since 1940 he has not been associated with WEISS, although he received a Christmas Card from WEISS each year. He stated that WEISS left the "Time" Magazine, he has heard that WEISS engaged in publicity work and public relations work.

Special Agent KENNETH M. GRANT caused a search to be made of the Bell Telephone Directories for Chicago, Illinois and Evanston, Illinois, and there was no listing for Pillab Publications.

Special Agent GRANT also caused a search to be made of records of the Evanston Credit Bureau, 518 Davis Street, Evanston, Illinois, and there was no record for Pillab Publications.

Special Agent GRANT also caused a search to be made of records at Deering Library, Northwestern University, Evanston, Illinois, which contains a list of all publications and contributors to publications, and there was no listing for MYRON WEISS or Pillaby Publications.

- REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

Federal Bureau of Investigation
United States Department of Justice
Los Angeles 13, California
March 3, 1949

Director, FBI

Attention: Mr. ROSEN

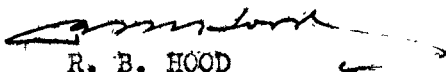
RE: ^① RESTRAINT OF TRADE IN GROUP HEALTH
OR PREPAID MEDICAL CARE PLANS
ANTITRUST

Dear Sir:

Reference is made to my telephone conversation with Mr. ROSEN on March 2, 1949.

In this connection there is being submitted a news clipping from the "Los Angeles Times" of March 1, containing the statements of Dr. MORRIS FISHBEIN in which he refers to the Bureau being used in the current antitrust investigation.

Very truly yours,


R. B. HOOD
SAC

RBH:gmw

Enc. (1)

60-334

RECORDED - 111
INDEXED - 111

60-3749-10

DEPT OF JUSTICE MAR 9 1949

FBI

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Fishbein Says Arnold Backs 'Spying' on Doctors

Thurmond Arnold, former Assistant Attorney General in charge of the antitrust division, is supporting the use of the Federal Bureau of Investigation to break down freedom in the United States.

This was charged yesterday by Dr. Morris Fishbein, speaker at an assembly of 1500 doctors at the College of Medical Evangelists.

The national spokesman for those opposing socialized medicine asserted that Arnold, although now in private legal practice, "is behind the use of the FBI in spying on doctors to see if their opposition to certain prepaid medical plans violates the antitrust laws."

"It's pretty sad," Dr. Fishbein said, "if in this country justice agencies and the courts are to be used to force us to yield to a pattern of socialized medical care that will break down our freedom. Hitler used the same technique."

Mr. Arnold's law firm, accord-

ing to the stormy petrel of American medicine, "would like to do everything within its power to foist an all-out socialization of doctors that would be the first step toward nationalization of the country."

LOS ANGELES TIMES
Los Angeles, California
March 1, 1949

ENCLOSURE

68-3749-10



FREEDOM OF INFORMATION
AND
PRIVACY ACTS

SUBJECT Morris Fishbein



FEDERAL BUREAU OF INVESTIGATION

Best copy available

Federal Bureau of Investigation
United States Department of Justice
Washington Field Division, Room 286,
Washington, D. C.

August 2, 1938.

Director,
Federal Bureau of Investigation,
Washington, D. C.

RE: DISTRICT MEDICAL SOCIETY;
(Group Health Association, Inc.)
Antitrust Matter.

Dear Sir:

I am enclosing herewith memorandum submitted to me by Special Agent (A) E. C. Sauer, dated August 1, 1938 with reference to the above case in accordance with telephonic conversation had with Inspector F. E. Foxworth of the Bureau on August 1, 1938.

As you have been previously advised, Mr. Hart on numerous occasions has called this Office and Agent Sauer direct requesting that he conduct certain investigation immediately and at times has requested that another Agent be sent out to conduct other interviews while Agent Sauer was occupied on other phases of the investigation. It would seem to me, from the memorandum submitted by Agent Sauer, that Mr. Hart is withholding certain information which Agent Sauer should have had in his possession prior to making the investigation. The information submitted by Mr. Hart from time to time does not disclose the source nor the complete details which he apparently had in his possession.

I can appreciate the enthusiasm which Mr. Hart may have concerning his own case in his effort to bring it to a successful conclusion, however, it is a little annoying to this Office to have him repeatedly call here for Agent Sauer on more or less minor angles of the case which Agent Sauer would naturally run out himself. Thus, Mr. Hart gives one the impression that he is conducting the investigation rather than the Agents of this Office.

Due to the fact that the Agents of this Office do more or less have to work personally with the members of the Anti-Trust Division of the Department, it is believed that if a general understanding were had with Mr. Thurman Arnold, Assistant Attorney General, as to the policies of the Bureau in conducting investigations, it would

62-2271-9

FILE

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prove not only beneficial in this case but in subsequent cases which
may be directed to this Office for investigation.

I do not believe that any specific Attorney in the Anti-Trust
Division or case should be made an issue of at this time.

Very truly yours,



GUY HOTTE,
Special Agent in Charge.

GH LBL
encl.
60-273.

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5107

62-2271-9 ✓

AUGUST 10, 1938

Special Agent in Charge
Washington, D. C.

Re: DISTRICT MEDICAL SOCIETY;
(Group Health Association, Inc.)
ANTITRUST MATTER.

Dear Sir:

Reference is made to your letter dated August 2, 1938, which transmitted a memorandum submitted by Special Agent (A) E. C. Sauer, dated August 1, 1938.

It is noted that in your letter you state Mr. Hart has on numerous occasions telephoned your office and requested Agent Sauer to conduct certain investigation. For your information, I wish to state that the Bureau has called to Mr. Hart's attention the fact that he should submit an appropriate memorandum to the Bureau when he desires investigation conducted on this matter, and not communicate directly with the Agents assigned to the case in your office.

In the event further calls are received by your office from Mr. Hart, the Bureau desires to be advised.

Very truly yours,

John Edgar Hoover
Director

RECORDED COPY FILED IN 62-51389-39

COMMUNICATIONS SECTION
MAILED

AUG 10 1938

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

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Washington Field Division, Room 2256,
Washington, D. C.

August 18, 1938.

Special Agent in Charge,
Chicago, Illinois.

RE: DISTRICT MEDICAL SOCIETY
(Group Health Association,
Inc.); ANTI-TRUST MATTER

Dear Sir:

There are being transmitted herewith copies of the reports of Special Agent (A) E. C. Sauer, dated August 10, 1938 and August 11, 1938, at Washington, D. C., for your information in conducting further investigation as set forth below.

The report covering the investigation at the MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA should be carefully referred to in the preparation of records which may be examined at the AMERICAN MEDICAL ASSOCIATION (AMA), in order that duplicate records need not be prepared.

Briefly, this case arose through complaints of the GROUP HEALTH ASSOCIATION, Inc. of the District of Columbia that the MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA, in opposing the activities of the GHA, had used pressure on its members to preclude them from becoming associated with the GHA, under penalty of expulsion from the DMS.

The DMS further prevailed upon local hospitals to preclude the admission of GHA doctors, which, it is alleged, is equivalent to "black listing" such physicians.

Throughout its activities in opposing the GHA, members of the DMS contacted officials of the AMERICAN MEDICAL ASSOCIATION in person and by correspondence, receiving their guidance and counsel in carrying on this opposition. It is manifest that the policies of the AMA have been adopted by the DMS and that the AMA is largely responsible for the stand taken by the DMS in this matter.

The following investigation should be conducted with a view to naming the AMA as a subject in this investigation and possibly naming the AMA and certain of its officials as defendants in any court proceedings which may be instituted in this matter.

60-2271-
FEDERAL BUREAU OF INVESTIGATION

AUG 15 1938 P.M.

U. S. DEPT. OF JUSTICE

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SAC Chicago

August 18, 1938.

Contact should be had with officials in charge of the AMA offices at 535 W. Dearborn Street, Chicago, Illinois, and information obtained from them relative to the correct corporate or associate status of the AMA, its organization and charter or articles of incorporation, as well as its by-laws. All the principal officers should be identified and listed and it should be ascertained what authority was conferred on each. In this connection particular reference should be given to the status of DR. MORRIS FLESHMAN, Editor of the AMA Journal; DR. W. C. WOODWARD, Director of the Bureau of Legal Medicine and Legislation; DR. OLIN VESY, Secretary of the AMA, and DR. R. C. TELARD, all of whom have been outstanding in their activities with the AMA in connection with its opposition toward the OHA.

It should be particularly ascertained whether or not [redacted] publishes articles in the AMA Journal under blanket authority or whether special authority is conferred upon him to edit certain articles. Particular reference is made in this case to the articles contained in the AMA Journal issue of October 8, 1937.

In the investigation of the minutes and records of the AMA, particular attention should also be directed to activities of the AMA in opposing organizations similar in character to the OHA. It might be pointed out that similar organizations have been conducted previously at Milwaukee, Wisconsin, Los Angeles, California, Chicago, Illinois, Akron, Ohio and at other places.

MR. ALLAN HART, Attorney in the Antitrust Division of the Department, has requested that a report be submitted in this matter prior to September 1, 1938.

Very truly yours,

Enclosures

ACS:FLB

60-278

CC: Bureau

OVY HOTEL,
Special Agent in Charge.

Washington Field Division, Room 226
Washington, D. C.

Best copy available

August 18, 1938.

Special Agent in Charge,
New York, New York.

RE: DISTRICT MEDICAL SOCIETY,
(Group Health Association,
Inc.); ANTITRUST MATTER

Dear Sir:

There are transmitted herewith copies of Bureau letter dated August 8, 1938, together with copies of a memorandum from ASSISTANT ATTORNEY GENERAL THURMAN ARNOLD, dated July 23, 1938, requesting interviews with DR. M. H. BENTLEY, at Buffalo, New York, and DR. ELLIS H. EDWARDS, at White Plains, New York.

This investigation was predicated on complaints by the GROUP HEALTH ASSOCIATION, INC. (GHA) at Washington, D. C. that the MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA (DMS) brought pressure to bear on DMS members to preclude them from becoming associated with the GHA, under penalty of expulsion.

It is further alleged and certain facts have borne this out that the DMS has exerted its influence over local hospitals, prevailing upon them to preclude from their general staffs doctors other than members of the DMS and to exclude from the courtesy staffs doctors who had become associated with the GHA, resulting in a situation which was equivalent to "black listing" such doctors at the local hospitals.

It has been established further that the activities of the DMS have been carried on with the advice and counsel of officials of the AMERICAN MEDICAL ASSOCIATION (AMA) and under the cover of the provisions of the constitution and by-laws of the DMS.

It is requested that the investigation as requested in Bureau letter of August 8, 1938 be expedited. The Washington Field Office is the office of origin in this case.

Very truly yours,

Enclosures

EC3:FLB

60-273

CC: Bureau

Buffalo (Enclosures)

GUY ROTTEL,
Special Agent in Charge.

60-2271-
AUG 18 1938 P. M.

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Central Dispensary and Emergency Hospital
WASHINGTON, D. C.

OFFICE OF
THE SUPERINTENDENT

November 10, 1937.

Dr. Allen E. Lee,
1621 Conn. Avenue N. W.,
Washington, D. C.

Dear Dr. Lee:

On November 1st, 1937, we wrote you to the effect that your name had been withdrawn from the list of those to whom the courtesy privilege of treating patients at Emergency Hospital is extended, due to the fact we were advised that you were no longer a member of the Medical Society of the District of Columbia.

We have since learned that this information was not correct and that your name is still on the membership roster of the District Medical Society, and I am writing to apologize for this error on our part.

As you are aware, one of the requirements at our institution for a doctor to be extended the privilege of treating patients at this hospital is that he be a member of the District Medical Society, and in view of the fact that your status is still such, and until we are officially notified to the contrary, you are extended courtesy privileges as was your status heretofore.

We wish to assure you that no personal element entered into this action, and again apologizing for this misunderstanding, we beg to remain,

Very truly yours,

EMERGENCY HOSPITAL.

W. H. Sandidge
W. H. Sandidge, Superintendent.

lts/r

Dec. 20, 1937

Dr. Henry H. Brown
Group Health Ass.
1225 Eye St. N.W.
City

Dear Dr. Brown:

Replying to your request for information regarding Leroy Gilstrap, whose father is a subscriber to the G.H.A., this child is entitled to treatment for his family by the Association, but who was seen by me on several occasions and operated on at Children's Hospital as a private patient. He was seen at home November twenty-second, twenty-third, and twenty-fourth, a paracentesis being performed on November twenty-third at the home. This case presented a very difficult diagnosis, the child was very "silly" and gave a history of previous trouble, which had necessitated several days hospitalization last year. He suffers from enlarged tonsils and adenoids, both evidently infected. He was directed to be brought to this office on November twenty-fourth, which time an X-ray was taken by Dr. Fritz Bierman, a copy of which report is enclosed. He was operated at Children's Hospital on November twenty-fifth, disclosing a large mastoid abscess which had perforated outer cortex of the mastoid and which corresponded to

Best copy available

the painful spot which had been a marked symptom throughout. Cultures from the pus, made in the Children's Hospital laboratory showed strep meningitis. The child made a very good recovery, was discharged from the Hospital in about a week, and comes into this office every other day for treatment.

Sincerely,

U.S. Clinic

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The Medical Society of the District of Columbia

Organized 1871 as the Medical Society of the District of Columbia, reorganized December 26, 1917,
and the Medical Association of the District of Columbia, founded January 11, 1923.

COMMITTEE

WASHINGTON

Compensation, Contract and Industrial
Medicine.

May 14, 1938.

Dr. George B. Tribble,
1301 Eye Street, N. W.,
Washington, D. C.

Dear Doctor Tribble:

You are hereby directed to appear before
the Compensation, Contract and Industrial Medicine
Committee at the Medical Society Building, 1718 H
Street, N. W., on Tuesday evening, May 17, 1938,
at 8 P. M.

Very truly yours,

R. Arthur Hooe, M.D.

R. ARTHUR HOOE, M.D.,
Chairman, C. C. & I. M. Committee

H-9

District of Columbia,

City of Washington.

Affiant.

Larry C. Gilstrap, of Washington, being first duly sworn on oath, deposes and says: That to the best of his knowledge he is now a doctor in good standing, of Group Health, Inc., Washington, D. C., and that he was such member at all times hereinafter mentioned.

That on the 24th day of November, 1937, it was discovered by doctors in the said Group Health that Larry C. Gilstrap, Jr., son of affiant, was suffering from Lactoiditis; that said Group Health, at that time, had no doctor on its staff who specialized in such cases, and it had no facilities to care for such cases, and affiant was advised by said doctors that it would be necessary to obtain a competent physician in private practice in Washington to attend to the case.

That affiant, having confidence in the ability of Dr. G. B. Tribble in such cases, took his son to the office of said Dr. Tribble on the evening of November 24, 1937, and asked for his advice in the case. That Dr. Tribble examined the boy and advised the placing of the boy in the hospital at once, and on the next morning, and on November 25, 1937, Dr. Tribble performed a mastoid operation on the boy, which operation was entirely satisfactory.

That from the time affiant took said boy to the office of Dr. Tribble, the said doctor considered him a private patient, and was looking to affiant for payment of his fees, and affiant agreed to be responsible for said fees.
affiant by hand this 16th day of May, 1938.

Larry C. Gilstrap

Subscribed and sworn to before me this 16th day of May, 1938.

Anthony LaRocca
Notary Public.

May 17, 1936.

Dr. George B. Tribble:

The Committee hereby charges you with having violated Section 2 of Article 3 of Chapter 9 of the Constitution of the Medical Society of the District of Columbia, reading as follows:

"Every member of the Society before entering into a contract or agreement for rendering professional services shall submit a copy of his contract, if written, or a true declaration of the terms of the agreement, in writing, to the Committee on Compensation, Contract and Industrial Medicine for approval. In the event that the committee disapproves the contract, a member may appeal to the Executive Committee."

And again Chapter 9, Article 4, Section 5, as follows:

"No member of the Society shall engage in any professional capacity whatsoever with any organization, group or individual, by whatever name called or however organized, engaged in the practice of medicine within the District of Columbia or within 10 miles thereof, which has not been approved by the Society."

"The Executive Committee is authorized and directed to prepare an approved list of organizations, groups and individuals, by whatever name called and however organized, engaged in the practice of medicine within the District of Columbia or within 10 miles thereof; and the same shall be kept in the office of the Secretary-Treasurer. Before any such organization, group or individual can be placed on the approved list of the Society, such organization, group or individual, or the member of the Society proposing professional relations therewith, shall submit to the Compensation, Contract and Industrial Medicine Committee such evidence as the Committee or the Society may require showing the character, activities, financial condition and ethical standards of said organization, group or individual, and after considering the same, said committee shall make a report of its investigation and findings to the Executive Committee for such action as it may deem necessary."

R. Arthur Hock

R. ARTHUR HOCK, M.D.
Chairman, Compensation, Contract
and Industrial Medicine Committee

DISTRICT OF COLUMBIA:

TO WHOM IT MAY CONCERN

I have known Dr. C. S. Irble for a number of years. He has treated and operated upon members of my family and friends, and patients I referred during this time. When I left the Veterans Bureau and started organizing the G. H. A. I naturally asked his advice and assistance, thinking that it could be organized along lines compatible with organized medicine. He stated he could not have anything to do with it, or anything else unless it met the full approval of the District Medical Society. He therefore did not at any time have any relations with the G. H. A. and at no time was a member of their staff, either as a regular member or consultant.

Later, after I resigned from that organization, he advised me to make my application to the District of Columbia Medical Society, and was one of my sponsors.

Signed



Subscribed and sworn to before me this

12th day of May 1938


John M. Keenan
Notary Public, D.C.

My commission expires Feb. 14, 1943

May 21, 1938.

Dr. G. B. Trible,
Washington Medical Building,
Washington, D. C.

Dear Dr. Trible:

Replying to your note regarding the Gilstrap case and the request that you appear before the committee, I want to say that I went to see Dr. Hooe about this matter. I want to see him because I could not understand how anything could have been considered unethical in regard to our conduct in this case.

I told Dr. Hooe that I had heard you were being questioned about the Gilstrap case and that if you were guilty I was also. I explained to him that you had told me in advance of my treating the patient that the patient had originally been treated at the Group Health he was now a private case and that he would be handled as such, and that I was to send my bill directly to the patient as in all private cases.

Dr. Hooe reacted rather violently to my insistence that I could also be guilty, saying that the patient was referred to me by a private physician. He would not listen to my statement that I knew in advance that the patient had originally been treated at the Group Health and had been sent to you. His apparent inconsistency and vehement denial of any possibility of my also being guilty seems rather strange to me. I do not understand what is back of the whole matter, but I cannot see where one person could be guilty and another not guilty in exactly the same case when each one acted according to the accepted rules of the Society. It was impossible for me to argue with Dr. Hooe because of his very emphatic stand in the matter.

Is it possible that there may be a personal matter back of the whole affair? The next day after I spoke to Dr. Hooe, I met him on the stairs in this building coming from the third floor. I asked him whether he had been to see you in regard to the case and he said he had not. Later, when I spoke to you, I learned that he had been in to see you. I can't understand why he denied having just seen you or why he should make personal visits to a defendant outside of any regularly scheduled hearing and apparently without the knowledge of the remainder of his committee. If I can be of any assistance before the Committee, please feel free to call upon me.

With best wishes, I remain

Sincerely,

W. D. Blevins

Best copy available

DR. EDWARD H. MACON
1000 RAMP, CAPITOL STREET
WASHINGTON, D. C.

Phone: ARCADE 8403

May 23, 1938

Dear Dr. Tribble,

In reply to your request for my knowledge of the Gilstrap case let me say first that I am, as you know, apposed to any dealings with Group Health Association or any similar association. I approve of the present policy of the Medical Society in their endeavor to controul it's member for the good of the Medical Profession and the public.

As far as this particular case is concerned, the simple facts are that before this operation for mastoiditis you frankly stated that it had been a G.H.A. case and was now your private case. I did not then and I do not now see any reason why you could not under these circumstances treat the case.

The investigation itself was conducted in a manner to arouse one's antagonism. On Friday May 13, 1938 I received a telephone message to call a certain number but the individual would not leave his name. To this call I paid no attention. Later he called again and left his name stating that "I can save the Doctor some trouble if He gets in touch with him". On getting in touch with Dr Hooe he stated that he wanted to see me. When I asked him the nature of the business he stated that he could not discuss it over the telephone. I told him I would try and see him but that I was busy at the moment. He then said that "he would leave it like this, that if I did not see him before noon Monday I woul have to appear before a committee Tuesday Evening". As I had no reson not to appear before the committee and as this sounded like a threat I did appear before the committee. Up to that time I did not know the reason I was to appear before them. As Chair-

DR. EDWARD B. MACON

100 EAST CAPITOL STREET

WASHINGTON, D. C.

20500

Phone 2-2600 0410

man of the Committee Dr. Rose then told me that in view of your testimony he had no questions to ask me. Another member of the committee then asked me if I had ever received a check from the G.E.A.

I hope this letter may clarify your association with this case and the frank way in which you dealt with it and all other matters in which it has been my pleasure to be connected.

Sincerely yours,

Edward B. Macon

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The Medical Society of the District of Columbia

INCORPORATED 1901
and has the honor to inform you of the fact that the Medical Society of the District of Columbia, District of Columbia, D.C.,
has the honor to inform you of the fact that the Medical Society of the District of Columbia, District of Columbia, D.C.,
has the honor to inform you of the fact that the Medical Society of the District of Columbia, District of Columbia, D.C.,

1710 N. STREET

WASHINGTON

May 31, 1938.

Dr. George S. Tribble,
1801 Eye Street, N.W.,
Washington, D. C.

Dear Doctor Tribble:

You are hereby directed to appear before
a meeting of the Executive Committee, on Monday evening,
June 6, 1938, in the Medical Society Building, at 8 P.M.

Very truly yours,

C. B. Conklin

C. B. CONKLIN, M.D.
Secretary

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Jan 4, 1938

Dear Mr. Noble

Insofar as I know the
Pittsburg is the same to me as your
cases and even handled the same as your other
cases.

Sincerely Yours

Mary O'Sullivan

T/S

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6 June 1935

To the Secretary of the District of Columbia Medical Society

My dear Doctor Conklin:

It is a source of regret that I am unable to appear personally Monday night, but inasmuch as there been, to my mind, no offense, no defense is contemplated. The facts relative to the D.C.M.S. are as follows:

The former Medical Director, Doctor Brown, and I have been friends for years. I have treated him and his family and naturally, when he accepted the position as head of that organization, he asked me if I would consider a consultanthip. I replied that if, and only if it were acceptable to the laws of the District and the by-laws of the Medical Society. He said he felt it was and wanted to cooperate and act under such laws, but seeing how I felt, he let the matter drop. I have not even seen his clinic.

The Torch Club here asked me to present the organized medicine side of a debate. I told Mr. Elwood Street that I would be glad to help, but I was no speaker and suggested Dr. Christie, Dr. Tolpeltorn and Dr. Bennett. Then they thought it would be a good idea to have S.M.A. represented, so I asked Doctor Brown. He did not get in for dinner and for only a part of the debate and declined to speak. Dr. Christie and Dr. Bennett spoke and made a good impression on a hostile audience. I was warned after that, by two of my associates, that I was under suspicion and would be in trouble being seen with Doctor Brown. Inasmuch as he is a doctor, a gentleman and a friend, I have felt it a matter of personal privilege and

not a regulatory affair.

With a number of constituents ranging from 1500 paying members up to 2500, and their dependents, all multiplied by three, there naturally arose many cases in all fields. Knowing my attitude in this matter, they purposely were not referred to me. During all this time, to the best of my knowledge, two surgical cases came to me, one the case in question and the other an antrum case operated at Garfield also as a private patient, but who stated she was eligible for clinic and treatment and thought they should settle her bill. A dentist named Cling was also in this case. She found she was not eligible for treatment and personally paid her bill, as I told her I expected. She made two payments, one of \$100 and one of \$75. At the time she was operated, I told the anesthesiologist her claim, but that I had no connection with nor accepted any responsibility from that organization and looked to her personally for payment. She was also x-rayed by Dr. Bierman and treated just as any other case. She has left her job and cannot be contacted. Several patients among my clientele at different times told me they were eligible for treatment, but I sent them all bills which they paid.

Reverting to the Gilstrap case, there was no connection with the G.H.A. and the patient was handled as any other, arrangement made from the office for it, as is always done. I mailed the bills to the patient regularly, not discounted, but based on the Mayo plan, the same as all other major operations. Later, after several months, it was paid from the G.H.A. There was no rule at that time that such checks should not be accepted. They were so accepted by many members of the society, though.

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I have been told by two, who had similar cases, that they called the committee before accepting them. Referring to the by-law regarding an individual not on the accepted list, I note that both you, Mr. Secretary and I, treated Dr. Penhallow's children and I understand this rule was put in to prevent his contact with members of the District Society. It is remarkable that I have never got any pay cases from him or his clinic. Evidently they are treated by other specialists.

Then I was called before the committee. I had only a half hour. I simply told them, as I said, that I felt I needed no defense, nor do I feel so now, and went away.

Referring to the case at Childrens Hospital, Dr. Scandiffio called me regarding this case and requested permission to be present at the operation and was present for a short time about the middle of the surgical procedure. He was at that time a member of the District of Columbia Medical Society.

With reference to the claim by the chairman of the Committee on Contracts, etc., who stated that the letter in response to a request from Doctor Brown constituted a validity to the charge, I was cooperating with them, I think the rule was that phone calls or letters reporting on such cases were permissible to other than members of the Society, but personal consultations were not. I considered this request the same as from an insurance company and so replied. I replied by letter rather than by phone so that a record could be kept. It stated clearly that this was a private case.

The chairman of the contracts committee brought back the papers I

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had submitted, made a long harangue in my office, about which I immediately jotted down notes, and ended by saying if I could see things as he did, and when the time came, to go to trial, then I could go to sleep soundly. I was also told that the Society was full of s.o.b's and s... a.s., but they would sit in judgement on me, though they were not worthy to pass my spox. I told him I did not feel that way about them and a difference of opinion was understandable.

Now there is no defence for there is no offence that I can see. I am submitting herewith certain papers to be presented for the committee.

If there be any offence I am sorry and accept full responsibility, for in the case of the x-ray man and the anesthetists, I told them the circumstances and felt these were private patients, and they felt as I.

I have deep regard for the Society and live up to its rules. I resigned as a Commander in the Medical Corps of the Navy and threw my lot with you. I know state controlled medicine as but few do, and I realize its good points and its bad ones. The men in the military services are high class men and I have always stood up for them; so much so I am called "The Admiral" in some ridicule. It is a bad bird that soils its own nest. I stand for the District now as I stood for them and I regret if in any way I have been at fault. I do resent and have resented any infringement on personal social contacts and so do you. If there are any points I can elucidate further I will be glad so to do, but no defense is being submitted, for the facts are as I state them and I will be glad to have this passed upon by the judiciary council of the A.M.A.

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In passing, you will note that the famous Gilstrap case was treated in semi-private accommodations and kept in the hospital a minimum of time following the mastoidectomy. This should point conclusively to the truth, which is that he wished the expenses cut down to the minimum as he fully expected to bear them himself.

Very sincerely,

G. B. Tribble

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FEDERAL BUREAU OF INVESTIGATION

Form 1

THIS CASE ORIGINATED AT WASHINGTON, D. C.

Chicago FILE NO 60-392

REPORT MADE AT Chicago, Illinois	DATE WHEN MADE 8/31/38	PERIOD FOR WHICH MADE 8/25-30/38	REPORT MADE BY THOMAS E. MYERS TEM/ehc
TITLE C DISTRICT MEDICAL SOCIETY (Group Health Association, Inc.)			CHARACTER OF CASE ANTITRUST MATTER

SYNOPSIS OF FACTS

American Medical Association officials cooperative; access to files and records permitted. Photostatic copies of exhibits pertinent to GHA matter transmitted here-with. Complicity and counsel by AMA with RMS fully indicated. Further review AMA files on group clinics and cities other than Washington to be conducted as requested by ALLAN HART, Department attorney, in conference at Chicago Bureau Office August 25 and 30, 1938. AMA is Illinois corporation; officers and status of officials set out. DR. W. C. WOODWARD author of article in AMA Journal, issue of October 2, 1937; copies of Journal from January 1, 1937, to August 20, 1938, furnished Bureau for transmittal to Antitrust Division. Data on AMA Hospital Council, as requested by MR. HART, will be available prior to September 19, 1938.

- P -

REFERENCE:

Letter from Washington Field Office dated August 18, 1938. (Report of Special Agent (A) E. C. SAUER, Washington, D. C., dated August 10 and 11, 1938).

DETAILS:

at Chicago, Illinois.

Prior to the initiation of investigation requested by

APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 60-2271-17	SEP 2 1938
COPIES OF THIS REPORT 4 Bureau (enc.) 2 Washington Field 3 Chicago			

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reference letter MR. ALLAN HART, Department attorney, called at the Chicago Bureau Office on August 25, 1938, and the scope of the investigation desired was discussed by him with Special Agent in Charge D. M. LADD and the reporting agent at the Chicago Office. MR. HART explained the purposes of the investigation, stating that it was desired that an initial report be rendered herein as soon as practicable with reference to the Group Health Association aspect of the case. He stated that it was intended to present this matter to the grand jury at Washington, D. C. on September 19, 1938, on which date it was desirable that the information requested by reference letter and by him personally be available. MR. HART furnished a list of cities other than Washington, D. C. with reference to which investigation through the American Medical Association files was desired, and stated that examination of the AMA files relative to the listed cities might be made subsequent to this report. He also stated that it was desired that information and data be secured concerning the operation and connection with instant matter of the AMA Hospital Council, indicating that this information, while desired, if possible, prior to September 19, 1938, might be furnished in subsequent reports.

Accordingly, this report deals only with the Group Health Association aspect of instant case, and the above statement is set forth to indicate the additional scope of the investigation requested by MR. HART other than as contained in reference letter.

For the guidance of agents making this investigation MR. HART stated that inquiries or reviews of correspondence should be directed toward disclosing coercive tactics on the part of the American Medical Association or its constituent members evidenced in the following five ways:

- (1) Expulsion of doctors from membership in medical societies on charges of unethical conduct by reason of participation in group health clinic movements.
- (2) Pressure brought to bear on hospitals by withdrawal of AMA approval, thereby depriving such hospitals of internes, staff doctors, and specialists.
- (3) Pressure on consultants, consisting of threats of expulsion from AMA if membership in GHA or similar clinics is subscribed to or retained.
- (4) Contest with insurers of malpractice liability to discontinue such insurance.

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(5) Blacklisting of hospitals or physicians in the nature of a boycott.

Agent contacted Dr. WILLIAM C. WOODWARD, Director, Bureau of Legal Medicine and Legislation, American Medical Association, 535 North Dearborn Street, Chicago, Illinois. DR. WOODWARD was extremely courteous and stated that the officials of AMA have been anticipating a request from this Bureau for examination of the files of the association and information pertinent to the Group Health Association matter at Washington, D. C. He referred Agent to DR. CLIN WEST, stating that DR. WEST had full and complete authority, as secretary and general manager of AMA, in the premises.

DR. WEST was interviewed in the presence of DR. WOODWARD and was requested to permit access by Agent to such files of the association as might pertain to the GHA matter. DR. WEST stated at the outset of the interview that he personally has been in close touch with the GHA situation and the activities of the Department in connection with the projected investigation, and that personally and as general manager of the AMA he desired to indicate that the files of that organization were open to examination by Bureau agents. He stated that it was the attitude of the association and the responsible officials thereof that every measure of cooperation would be afforded the Department in connection with this matter; that the association believed its position was correct and that it was entitled to oppose with all the resources at its command the advent of "socialized medicine."

It may be noted that from the tenor of his remarks DR. WEST indicated that it is the firmly considered policy of AMA to challenge the authority of the federal government to bring the medical profession within the purview of the antitrust statutes. He stated that because it is confidently believed by the officials of AMA that in a court contest the association would without doubt substantiate its position, it is the desire of the association to afford every assistance to the Government in order that the issue may be brought to a head. He advised that he understood that it was the intention of the Department to cause indictments to be returned against the association as a group and possibly against some officials thereof, stating in this connection that if this eventuated the AMA would welcome the opportunity to test what he termed a fantastic interpretation of the practice of medicine as a trade or commerce, as distinguished from a learned profession.

During the conversation with DR. WEST Agent made no observations referable to matters of policy and confined his remarks to the

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formal request for permission to examine the files of the association. DR. WEST, in conclusion, told DR. WOODWARD to accord Agent every courtesy and full access to all files that might be desired to be reviewed.

The files of the ABA referable to the GHA matter are maintained in the office of DR. WOODWARD, and he produced same for Agent's examination.

Prior to the inspection of these files DR. WOODWARD discussed at some length the various aspects of this case from his point of view. He stated in substance that he himself is an attorney, as well as a physician, and that in his capacity as legislative counsel for AMA he has made exhaustive studies of the law with reference to the case and is convinced that despite the upholding of the HOLC Clinic in Washington, D. C. by the courts in Washington, there is no authority in law for the subsidizing or creation of a federal group for the practice of medicine. DR. WOODWARD freely admitted that since the inception of the GHA idea the various responsible officials of AMA have given guidance and counsel to the District Medical Society and have endeavored in every way possible to bring pressure to bear to prevent the activities of the Group Health Association. It may be noted that DR. WOODWARD consistently referred to the GHA as an illegal corporation and unequivocally stated that it is the position of AMA that as a federation of constituent state medical associations it has the inherent right to determine the qualifications of its members.

With specific reference to the request for information as to the status of DR. MORRIS FISHERIN, editor of the AMA Journal, DR. WOODWARD advised that DR. FISHERIN holds his position as editor by appointment of the board of trustees of the association. He stated that DR. FISHERIN has no blanket authority to publish any particular articles in the AMA Journal, nor has he any special authority conferred upon him to edit certain articles. DR. WOODWARD advised that the material appearing in the Journal is permitted to appear therein only after review and decision of DOCTORS WEST, LELAND, FISHERIN, and himself, in any matters which affect the policies of the AMA. As to scientific and medical articles appearing in the Journal wide latitude and direction is accorded DR. FISHERIN as to inclusion of material of this type.

In connection with the article contained in the AMA Journal, issue of October 2, 1937, dealing with Group Health Association and health insurance and corporate practice of medicine under federal auspices, DR. WOODWARD stated that he himself was the author of that article, and

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that it appeared in the Journal as a result of conference between DOCTORS WEST, FISHER, and himself, its preparation and appearance being deemed necessary as part of the AMA policy and program of opposition to corporate medical practice as exemplified by the formation of CMA. DR. WOODWARD furnished Agent with his personal draft of this article, containing annotations which did not appear in the published article in the Journal. There was included with said draft a copy of his memorandum of submission of the article to the board of trustees, dated September 1, 1937, which indicates that the publication of the article was responsive to a resolution of AMA on June 29, 1937, authorizing the editor and secretary and general manager to inform the medical profession concerning CMA. There was also attached a memorandum of DR. WOODWARD'S to DOCTORS WEST and FISHER indicating that he was submitting the prepared article in the form of a report in order to avoid possible conflict on his part with the canons of professional ethics of the American Bar Association.

The draft and the two memoranda herein cited are being transmitted with copies of this report to the Bureau, marked Exhibit "COO-AMA #23," for transmittal to the Antitrust Division of the Department.

DR. WOODWARD furnished Agent with the AMA printed booklets entitled "Constitution and By-Laws of the American Medical Association," "Principles of Medical Ethics," and "Handbook of the House of Delegates." These booklets are being forwarded to the Bureau with copies of this report and have been appropriately marked as exhibits as noted herein-after under the title "Enclosures." It is noted that only single copies of these booklets were made available, and, accordingly, these exhibits should be transmitted to the Antitrust Division of the Department, there being no duplicate copies available for the Bureau files. However, in the case of all other exhibits furnished with this report copies are being transmitted for inclusion in the Bureau files.

DR. WOODWARD discussed at some length the function of the Journal of the Association with reference to the financial structure of AMA. He stated that the revenues of the association are principally derived from the subscription of physicians to the Journal, advising that it is estimated by the association that the Journal presently reaches nearly 100,000 doctors throughout the United States and its possessions. DR. WOODWARD advised that this figure represents about 80% of the total of all practicing physicians in the country. He stated that the Journal is regarded by the officials of the association and by the House of Delegates as an informative journal on both scientific and

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medical matters and, in addition, is looked upon as the means by which the profession can be more closely knit regarding matters of economic interest. For this reason, he stated, the Journal has reflected the policy of the AMA with respect to opposition to so-called group health or socialized medicine in such a manner as to acquaint the profession with what is believed by the officials of the AMA and its constituent state societies to be a proper stand to be taken by doctors against socializing experiments encroaching upon the historic idea system of medical care. DR. WOODWARD indicated that from time to time, especially within the past eighteen months, the Journal has reiterated this policy in various articles, culminating in the issue of October 2, 1937, wherein the stand of the association is reflected in his article dealing with group health associations. This article, he stated, represents the considered and final answer of the AMA to systems of medical care which provide either for insurance in advance of illness or clinic treatment where, in the operation of such systems or clinics, there is not free choice by the patient of his physician. DR. WOODWARD indicated that the net of the American Medical Association's opposition to socialized medicine (as he consistently termed the GHA and other groups) was based upon Articles 4, 5, and 6 of the principles of Medical Ethics of the American Medical Association, which provide, respectively, that it is a violation of medical ethics for a physician to practice contract medicine when there is interference with reasonable competition in a community, or when free choice of a physician by the patient is prevented, or when the conditions of employment make it impossible to render adequate service to the patients. DR. WOODWARD stated unequivocally that he personally believes and it is the unalterable position of the responsible heads of the association, specifically DOUGLAS OLIPHANT and R. G. LELAND, that GHA violates these principles in toto.

In view of DR. WOODWARD'S statements concerning the position of the Journal in the affairs of the AMA, it was deemed advisable by Agent to request issues of this magazine during the period of the development and existence of GHA. Accordingly, there were obtained from DR. WOODWARD the weekly issues of the Journal from January 1, 1937, through and including August 27, 1938. These magazines were obtained in two quite bulky packages and were delivered to the Bureau office in Chicago by an AMA messenger. The packages were not opened and, therefore, have not been marked as exhibits herein, it being deemed unnecessary to do so in view of the nature of the material. The issues of the Journal were forwarded to the Bureau by Railway Express, accompanied by Chicago Office letter dated August 30, 1938, for transmittal to the Antitrust Division of the Department. It may be noted that MR. ALLAN HART was personally

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apologized of the fact that these magazines had been obtained, and he stated in this regard that the Journal issues were considered by him as important and desirable in the preparation of this case.

An examination of the Handbook of the House of Delegates (Exhibit CGO-AMA #32) discloses the following information concerning the officers of the American Medical Association for 1938-39:

General Officers

IRVIN ABELL, Louisville, Kentucky	-	President
ROCK SLEYSER, Waunakee, Wisconsin	-	President-elect
HOWARD MONROW, San Francisco, California	-	Vice president
CLIN WEST, Chicago, Illinois	-	Secretary and general manager
HYMAN L. KRETSCHMER, Chicago, Illinois	-	Treasurer.

DR. WOODWARD explained that the officers and officials of AMA are responsible to a board of trustees as provided for by the constitution and by-laws.

The current active board of trustees of AMA is as follows:

AUSTIN A. HAYDEN, Chicago, Illinois
CHARLES B. WRIGHT, Minneapolis, Minnesota
ROGER I. LEE, Boston, Massachusetts
ALLEN H. BURGE, Atlanta, Georgia
RAYMOND A. FAYTON, Portland, Oregon
JAMES R. BLOSS, Huntington, West Virginia
THOMAS S. CULLER, Baltimore, Maryland
ARTHUR W. SMITH, Elmira, New York
R. L. SANSBACH, South Bend, Indiana.

The officials occupying administrative positions in AMA at the Chicago headquarters are, according to DR. WOODWARD, as follows:

DR. CLIN WEST	-	Secretary and general manager.
DR. WILLIAM C. WOODWARD	-	Director, Bureau of Legal Medicine and Legislation.
DR. R. G. LELAND	-	Director, Bureau of Medical Economics.
DR. MORRIS FLEISCH	-	Editor, AMA Journal.

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WILL C. BRAIN
W. D. GENTZ

- Business manager, Chicago, Illinois.
- Secretary, Council on Medical
Education and Hospitals, Chicago.

DR. WOODWARD advised that all of the above officials are subject to the authority of the board of trustees, but that they have a wide range of discretion in conducting the activities of their respective positions, especially DOCTORS WEST, LELAND, FISHER, and WOODWARD. In the exercise of this discretion, all four of the named officials have been concerned with the fight of AMA in the Group Health Association matter, and all have consulted with and recommended action to the Medical Society of the District of Columbia in connection with that organization's opposition to GHA.

From the AMA file entitled "Group Health Association" there were obtained numerous exhibits, hereinafter listed, which dealt with the advisory and other activities of AMA in connection with its guidance to DMS and its general activities with reference to GHA. The material in said file was carefully examined by Agent, and in each instance of discovery of documents of pertinent evidentiary value relative to GHA (as distinguished from material of a general nature) such documents were obtained for photostating purposes with the permission of DR. WOODWARD, a receipt being signed for same by this agent. Photostatic copies of this material were made at the Chicago Bureau Office, and two copies of each document photostated are being forwarded to the Bureau with its copies of this report, one set of such photostats being intended for transmittal to the Antitrust Division of the Department and the other for the Bureau files. It was not deemed necessary that photostatic copies of said documents be retained in the Chicago Bureau file, and, accordingly, none were made for this purpose. The documents of which copies were made have been appropriately numbered as exhibits herein, consisting of exhibits described as "CGO-AMA #1 to 29," inclusive.

Information concerning these exhibits, indicative of the type of information represented by them, is herein summarized as follows for the information of the Bureau.

Exhibit CGO-AMA #1 discloses that the American Medical Association is an Illinois corporation organized March 16, 1897, according to a certified copy of Articles of Incorporation dated September 28, 1932, a photostatic copy of which indicates that said articles are filed with the Recorder of Deeds of Cook County, State of Illinois, as Document No. 2523860, recorded in Book of Records "Corp-81" at Page 43.

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Exhibit CGO-AMA #2 discloses that the District Medical Society, forwarded to DR. CLIN WEST by special delivery on the day following its occurrence a memorandum of the conference had between EMS attorneys LEAHY and HOOVER and MESSRS. ANOLD and HART, Department attorneys. It will be noted that no cover letter was sent with the memorandum of this conference, and, further, that the memorandum was addressed to DR. CLIN WEST, indicating the interest of DR. WEST and collusion with EMS in its controversy with the Department.

Exhibit CGO-AMA #3 consists of a series of correspondence between DR. CLIN WEST and SENATOR ROYAL S. COPELAND, the tenor of which indicates that DR. WEST and DR. COPELAND (prior to his death) were concerned with the inception of opposition to what was then known as the HOLA medical cooperative. It will be noted with reference to this exhibit that it was indicative of the initiation of action by the AMA through political connections to cause opposition to be fomented against HHA, DR. WEST operating in this connection as an official of the AMA in his efforts to have SENATOR COPELAND concern himself with the matter.

Exhibits CGO-AMA #4, 5, 6, and 7 consist of related documents indicating the participation of DRS. WOODWARD and LELAND on behalf of AMA in sponsoring opposition to HHA in conjunction with officials and representatives of the Medical Society of the District of Columbia. In this connection it is of interest to note that DOCTORS WOODWARD and LELAND proceeded to Washington, D. C. in July of 1937 in the interests of participating in a conference of "all essential persons" with the apparent objective of standardizing the measures to be taken on behalf of EMS in opposition to HHA.

Exhibit CGO-AMA #8 was abstracted from the files of AMA as indicative of the measures used by that organization to procure information which would enable it to be of assistance in the fight on HHA. The documents in this exhibit disclose contact by correspondence between AMA and the Indiana State Medical Association with reference to the utility of CONGRESSMAN LUDLOW and CONGRESSWOMAN VIRGINIA E. JENCKES in procuring information concerning the development of HHA, which information apparently was otherwise unobtainable by AMA. It will be noted in this connection that CONGRESSMAN LOUIS LUDLOW secured various documents from HOLA through his political and official position, which documents he immediately forwarded to THOMAS HENDRICKS, Secretary of the Indiana State Medical Association, by whom they were immediately transmitted to AMA.

Best copy available.

Exhibits CCG-AMA #9, 10, 11, 12, 13, 14, and 15 comprise a series of letters exchanged between AMA and DMS wherein it is disclosed that AMA requested DMS to keep its officials fully advised regarding the AMA cooperative and indicating that DR. WOODWARD, as legislative counsel of AMA, kept in close touch with the situation during the summer of 1937 and prior to the opening of the GHA clinic, receiving regular reports from DR. C. E. CONKLIN, Secretary of DMS, on behalf of that society. It will be noted that opposition to the GHA clinic was apparently contemplated by having the DMS form its own clinic to meet the threatened competition of GHA, DR. WOODWARD of AMA suggesting the manner and operation of such clinic.

Exhibit CCG-AMA #16 indicates that DR. WOODWARD, on behalf of AMA, forwarded to SENATOR McCARRAN page-proofs of the article which ultimately appeared in the issue of the Journal of the American Medical Association of October 2, 1937, apparently with a view to supplying SENATOR McCARRAN with appropriate information wherewith to exert his political influence in opposition to GHA on behalf of DMS.

Exhibit CCG-AMA #17, with related exhibits no. 17A to 17E, inclusive, indicates an extensive correspondence between AMA and JOHN F. HAYES, attorney, 430 Muncie Building, Washington, D. C. This material discloses that MR. HAYES was requested to and did investigate all aspects of GHA at the direct request and in behalf of AMA, without reference to U.S. In connection with this correspondence Agent discreetly elicited from DR. WOODWARD the fact that JOHN F. HAYES is a close friend of his and is considered as the Washington contact man or correspondent of AMA in legislative matters at Washington. The file of correspondence exchanged between MR. HAYES and DR. WOODWARD indicates that MR. HAYES was largely instrumental in providing AMA with documentary material and information of value in line with its proposed policy of opposition to GHA, and in connection with the use of MR. HAYES' services it will be noted that the officials of DMS apparently were not acquainted by DR. WOODWARD or any other official of AMA that MR. HAYES was on the job.

Exhibits CCG-AMA #18, 19, and 20 disclose that counsel for DMS FREDERICK A. FENNING, Washington, D. C., was in touch with DR. WOODWARD of AMA in connection with the court action concerning the status of the Group Health Association. It will be noted that DR. WOODWARD requested MR. FENNING, former president of DMS, to provide him with briefs in the case, and that the copies of the brief filed in opposition to GHA on behalf of DMS were forwarded direct to AMA by the District Medical Society's counsel, MR. FENNING.

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Exhibit CGO-AMA #21 discloses that DR. WOODWARD offered a suggestion to DR. CONLIN, Secretary of ILS, on behalf of AMA, concerning the use of a so-called expose of conditions at Gallinger Hospital, Washington, to the effect that such expose might be used by ILS as publicity material of value in opposition to the GHA scheme. It will be noted that the suggestion of DR. WOODWARD is to the effect that the ILS committee not identify itself with any publicity along the line of this expose but merely cause the dissemination of the so-called expose as adroit information to influence the opposition.

Exhibits CGO-AMA #22 and 23 were obtained as indicative of the interest of AMA in causing pressure to be exerted by medical societies adjacent to the District of Columbia and also by contact of physicians of prominence in the state of Nevada with SENATOR McCARRAN of that state in connection with his proposition to investigate GHA. It will be especially noted that the AMA in these instances directly sponsored the suggestion that the Medical Society of Virginia cause senators and representatives from that state to interest themselves in the opposition to GHA and, further, that the suggestion of the use of political influence in Nevada emanated directly from AMA headquarters.

Exhibits CGO-AMA #24 to 28, inclusive, disclose instances of close contact between AMA and ILS with reference to the progress of the opposition by ILS to the Group Health Association project. Perusal of these exhibits discloses that DR. WOODWARD, on behalf of AMA, states that the attention of the Medical Societies of Maryland and Virginia had been directed by him to the situation, and suggested that those societies aid the ILS in the premises. Specific suggestion is offered by DR. WOODWARD on behalf of AMA, as disclosed by Exhibit #26, with reference to the type of activity which ought to be pursued by ILS; it being further noted that throughout all cited exhibits there is a clear indication of active participation by AMA in ILS activities against GHA.

Exhibit CGO-AMA #29 is included herein as indicative of direct contact with Attorney GEORGE P. HOOVER, representing ILS, by DR. WOODWARD of AMA in line with the legal moves of ILS. It may be here noted that DR. WOODWARD, as a lawyer, offered specific suggestions to the ILS counsel concerning the legal steps to be taken in the District of Columbia in defending the petition filed by Group Health Association, Inc. on January 27, 1938.

In addition to the foregoing exhibits which were obtained from the correspondence file of AMA entitled "Group Health Association,"

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There was noted a summary of said file entitled "GMA Memoranda and Summary." The material contained therein was not deemed of sufficient evidentiary value to require photostatic copies thereof, but the following notes of material observed in this file are believed of possible interest:

There were included in the Sundry file five copies of an excerpt from "Who's Who in America," Volume 16, 1936-37, relative to biographical data relative to DR. THOMAS ARNOLD, Department of Justice Attorney in Charge of the Antitrust Division. Attached to these copies were several copies of an excerpt of DR. ARNOLD'S speech entitled "What is Monopoly?" made at the Statler Hotel, Detroit, June 15, 1938. An entire paragraph of that speech, beginning with "The need for definite public statement of antitrust laws, etc." and containing the following sentence in full was noted: "The power to fix prices without public responsibility is the same as the power to tax without public responsibility. In the long run it cannot exist without Government interference and regulation." This sentence had been underlined, obviously for emphasis, in green ink. It was noted that DR. WOODWARD uses green ink. It was further noted that in the margin opposite the underlined sentence the phrase "So that it" was written in green ink.

The Sundry file also contained several xeroographed and carbon copies of Department of Justice press releases of August 1 and 10, 1939, with reference to the Department's projected investigation, which fact is mentioned as it is not believed that such releases were furnished directly to AAA, and it is believed that they were forwarded by DJS, although no cover letter was noted.

There was also noted an original application card of the type used by AAA which was attached to a letter sent by J. W. CHILDRESS on "OLD" stationery to CONGRESSMAN LUDLOW under date of August 27, 1939.

There were further noted various unrelated items of correspondence between JOHN W. HAYES and CONGRESSMAN LUDLOW, indicating the close connection of these individuals by reason of the fact that various letters were addressed "Dear Louis" and "Dear John." From the material noted it is apparent that CONGRESSMAN LUDLOW is a contact of MR. HAYES' in regard to information concerning GMA, otherwise unavailable to AAA.

It may be further noted that numerous citations of decided cases supposedly substantiating AAA'S legal position with reference to

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being not amenable to antitrust statutes or federal jurisdiction were found in the Sundry file. Such citations and data are not here repeated, inasmuch as mention of same was made verbally to MR. HART of the Department, and he advised that he was thoroughly conversant with such citations.

In line with the request of MR. HART, Agent contacted DR. WOODWARD on August 30, 1938, relative to the availability of minutes of the meetings of the Executive Committee of AMA and data from the files of the Council on Medical Education and Hospitals. DR. WOODWARD advised on that date that DR. WEST was out of the city for several days but that he, WOODWARD, had no doubt that permission would be accorded for review of the files of the Hospital Council by DR. W. D. CUTLER, Secretary of that Council, as soon as DR. CUTLER could contact DR. WEST. DR. WOODWARD made it clear that he believed that the desired data would be made available immediately upon DR. WEST'S return, which was anticipated on September 1, 1938.

Investigation pursuant to this line of inquiry will be immediately conducted on September 1, 1938, and it is noted that such data as is made available will be furnished the Bureau by subsequent report prior to September 12, 1938, the date when, according to MR. HART, prompt jury action is anticipated in this matter. No formal lead, however, is being incorporated in this report to obtain this data inasmuch as investigation is continuing at the offices of the American Medical Association as of the date of dictation of this report.

The original documents furnished by AMA for photostating purposes were returned to DR. WOODWARD of that association by Agent personally on August 31, 1938.

ENCLOSURES:

To the Bureau -

The following photostatic copies of AMA documents for transmittal to the Antitrust Division as exhibits:

Exhibit No.

Document

- OSC-AMA #1, - Summary of Articles of Incorporation of American Medical Association as of January 21, 1936.
#1A - Certified copy of Articles of Incorporation of AMA, filed Illinois March 16, 1897.

Best copy available

Exhibit No.	Document
CGO-AMA #1B	Certified copy of amendments to articles, filed Illinois June 26, 1902.
#1C	Certified copy of amendments to articles, filed Illinois October 20, 1904.
CGO-AMA #2	Memorandum of conference between IMA Attorneys LEAHY and HOOVER and Government Attorneys ARNOLD and PART, August 2, 1938.
#2A	Special delivery envelope, IMA to OLIN WEST, AMA, in which above was transmitted.
CGO-AMA #3	Correspondence between AMA (DR. OLIN WEST) and SENATOR ROYAL S. COPELAND, consisting of following related documents: Letter dated August 9, 1937 (Ex. 3).
#3A	Letter dated August 4, 1937.
#3B	Letter dated August 2, 1937.
#3C	Letter dated July 28, 1937.
CGO-AMA #4	Correspondence between AMA (DRS. WEST and WOODWARD) and DR. J. RUSSELL VERBRYCKE, Washington, consisting of following related documents: Telegram dated July 15, 1937. (Ex. 4)
#4A	Letter dated July 12, 1937.
#4B	Letter dated July 12, 1937 (VERBRYCKE - McGOVERN).
CGO-AMA #5	Memorandum dated June 28, 1937, initialed "WOW" re phone conversation (VERBRYCKE - WOODWARD).
CGO-AMA #6	Correspondence AMA-IMA consisting of following related documents: Letter dated July 21, 1937 (Ex. 6).
#6A	Letter dated July 17, 1937 (WOODWARD - McGOVERN).
#6B	Letter dated July 17, 1937 (COWLIN - WOODWARD).
CGO-AMA #7	Letter dated July 26, 1937, AMA - IMA (DR. WOODWARD to DR. McGOVERN).
CGO-AMA #8	File of correspondence between AMA and Indiana State Medical Association, consisting of following seventeen related documents: AMA letter dated August 21, 1937 (Ex. 8), with memo of THOMAS A. HENDRICKS at Chicago.

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Exhibit No.

Document

CGO-AMA #8A - IMA letter dated July 20, 1937.
#8B - IMA letter dated July 29, 1937.
#8C - LUDLOW letter dated July 26, 1937.
#8D - LUDLOW letter dated July 29, 1937.
#8E - HOLC letter dated July 27, 1937.
#8F - IMA letter dated July 23, 1937.
#8G - AMA letter dated July 17, 1937.
#8H - AMA letter dated July 19, 1937.
#8I - IMA letter dated July 16, 1937.
#8J - LUDLOW letter dated July 1, 1937.
#8K - AMA letter dated June 28, 1937.
#8L - IMA letter dated June 25, 1937 (WEST).
#8M - IMA letter dated June 25, 1937 (WOODHARD).
#8N - JENCKES letter dated June 22, 1937.
#8O - AMA letter dated June 24, 1937.
#8P - IMA Confidential Memorandum to AMA.

CGO-AMA #9 - Letter dated July 2, 1937, AMA to DMS.

CGO-AMA #10 - Letter dated July 6, 1937, DMS - AMA.

CGO-AMA #11 - Letter dated August 12, 1937, AMA - DMS.

CGO-AMA #12 - Letter dated August 14, 1937, DMS - AMA.

CGO-AMA #13 - Letter dated August 18, 1937, AMA - DMS.

CGO-AMA #14 - Letter dated August 18, 1937 - AMA (LELAND).

CGO-AMA #15 - Letter dated September 8, 1937, AMA - DMS.

CGO-AMA #16 - Letter dated September 24, 1937 - AMA to U. S.

SENATOR PAT MCCARRAN.

CGO-AMA #17 - File of correspondence between AMA and JOHN F. HAYES, Washington, D. C. (re GHA), consisting of the following nineteen related documents:

AMA letter dated December 15, 1937 (Ex. 17).

#17A - HAYES letter dated December 13, 1937.

#17B - HOLC letter dated December 7, 1937 - to CONGRESSMAN

LUDLOW, received by AMA via HAYES.

Best copy available

Exhibit No.

Document

- CGO-AMA #17C - Opinion of HOLC entitled "Credit Union."
#17D - HAYES telegrams dated December 17 and 18, 1937.
#17E - HAYES letter dated December 9, 1937.
#17F - Federal Home Loan Bank Board letter dated December 3, 1937, to SENATOR McCARRAN - copy received by AKA via HAYES (Ex. 17E).
#17G - HAYES telegram dated October 29, 1937.
#17H - HAYES letter dated September 24, 1937.
#17I - AMA letter dated September 22, 1937.
#17J - HAYES letter dated September 21, 1937.
#17K - HAYES letter dated September 1, 1937.
#17L - AMA letter dated August 30, 1937.
#17M - HAYES letter dated August 28, 1937.
#17N - AMA letter dated August 27, 1937.
#17O - HAYES letter dated August 25, 1937.
#17P - HAYES letter dated August 24, 1937.
#17Q - AMA letter dated August 21, 1937.
#17R - HAYES letter dated July 31, 1937.
- CGO-AMA #18 - Letter dated December 3, 1937, AMA - DMS.
- CGO-AMA #19 - Letter dated December 6, 1937, DMS - AMA.
- CGO-AMA #20 - Letter of Attorney FREDERICK A. FENNING dated December 6, 1937, to DR. WOODWARD, AMA - reference Exhibits #18 and #19.
- CGO-AMA #21 - Letter dated November 26, 1937, AMA - DMS.
- CGO-AMA #22 - AMA letter to Medical Society of Virginia, December 8, 1937.
- CGO-AMA #23 - AMA letter to Nevada Medical Association, December 1, 1937.
- CGO-AMA #24 - Letter dated December 14, 1937, AMA - DMS.
- CGO-AMA #25 - Letter dated December 17, 1937, DMS (NEILL).
- CGO-AMA #26 - Letter dated December 22, 1937, AMA - NEILL.
- CGO-AMA #27 - Letter dated December 17, 1937, DMS (CONKLIN).

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Exhibit No.

Document

- CGO-AMA #28 - Letter dated December 22, 1937, AMA - CONKLIN.
- CGO-AMA #29 - Letter dated February 2, 1938, HOOVER - WOODWARD.
- CGO-AMA #30 - Booklet, "Constitution and By-Laws of AMA, 1938."
- CGO-AMA #31 - Booklet, "Principles of Medical Ethics of AMA."
- CGO-AMA #32 - Handbook of "House of Delegates, AMA."
- CGO-AMA #33 - Original draft of AMA Journal article of October 2, 1938, with letter and memo of transmittal to board of Trustees of AMA by DR. WOODWARD.
(Note: For transmittal to Antitrust Division of Department. No copy for Bureau files. This exhibit must be returned AMA upon completion of case.)

- PENDING

Best copy available

September 8, 1938

JWC:AM

60-2271-17

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL THURMAN ARNOLD

Re: DISTRICT MEDICAL SOCIETY
(Group Health Association,
Inc.)
ANTITRUST

Enclosed herewith is a copy of the report of Special Agent Thomas E. Myers, dated August 31, 1938, at Chicago, Illinois, in the above entitled case, together with the enclosures mentioned therein.

There are being maintained in the Bureau files a duplicate set of enclosures with the exception of the original draft of AMA Journal article of October 2, 1938, with letter and memorandum of transmittal to the Board of Trustees of AMA by Dr. Woodward, which exhibit must be returned to the AMA upon completion of this case. There are likewise no copies of the following exhibits, which are transmitted herewith, being retained in the Bureau files:

Booklet - Constitution and By-Laws
of AMA 1938

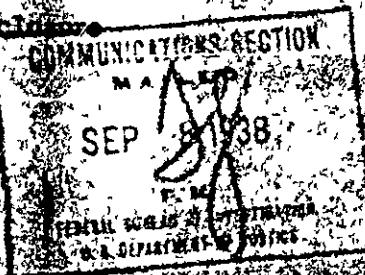
Booklet - Principles of Medical Ethics
of AMA

Handbook of House of Delegates of AMA

Very truly yours,

John Edgar Hoover
Director

Enclosure



JOHN EDGAR HOOVER
DIRECTOR

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Federal Bureau of Investigation
United States Department of Justice

JAC:JDF
60-2271

Washington, D. C.

December 19, 1938.

1:05 P.M.

MEMORANDUM FOR MR. S. A. Tamm

RE: DISTRICT MEDICAL SOCIETY;
GROUP HEALTH ASSOCIATION, INC.; ANTITRUST.

Under date of December 19, 1938, Mr. Hart of the Antitrust Division called the writer and advised that the Grand Jury now in session in this case had requested to view Exhibit #1 submitted to the Department under memorandum dated September 8, 1938, with the report of Special Agent T. E. Myers dated August 31, 1938, at Chicago, Illinois. Mr. Hart advised that this exhibit had been misplaced and he was desirous of obtaining the Bureau's copy to exhibit to the Grand Jury and that it was necessary to have it immediately.

In accordance with this request, the writer furnished the above exhibit to Mr. Walton S. Allen, Special Assistant to the Attorney General, of the Antitrust Division, who advised that he would return it to the Bureau within a week after it had served its purpose.

Respectfully,

J. D. Coulter
J. D. COULTER.

*Be sure he returns it.
EAL 12/25/38*

RECORDED

60-2271-47

FEDERAL BUREAU OF INVESTIGATION

DEC 22 1938

U. S. DEPT. OF JUSTICE

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DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA
HOLDING A CRIMINAL TERM

October Term, A. D. 1938

UNITED STATES OF AMERICA,
DISTRICT OF COLUMBIA, ss:

INDICTMENT

THE GRAND JURORS of the United States of America, at a regular term of the District Court of the United States for the District of Columbia, to wit: the October 1938 term thereof, held at Washington, in the District of Columbia, after being duly impanelled, sworn, and charged at the term of court aforesaid, as an additional Grand Jury in and for said District, inquiring for the said District, upon their oaths find and present, as follows:

I. The Defendants

1. The following corporations and associations are hereby made defendants:

- (1) American Medical Association, incorporated under the laws of Illinois and having its office and principal place of business in Chicago, Illinois;
- (2) The Medical Society of the District of Columbia, incorporated under an Act of Congress and having its office and principal place of business in the District of Columbia;

(3) Harris County Medical Society, an unincorporated association, having its office and its principal place of business in Houston, Harris County, Texas;

(4) Washington Academy of Surgery, an unincorporated association, having its office and its principal place of business in the District of Columbia.

2. The following individuals, who will be referred to hereinafter as "the individual defendants," are hereby made defendants:

Arthur Carlisle Christie
Coursen Baxter Conklin
James Payard Gregg Custis
William Dick Cutter
Morris Fishbein
Thomas Allen Groover
Robert Arthur Hoge
Rosco Genung Leland
Leon Alphonse Martel
Thomas Ernest Mattingly
Francis Xavier McGovern
Thomas Edwin Neill
Edward Hiram Reede
William Mercer Sprigg
William Joseph Stanton
John Ogle Warfield, Jr.
Olin West
Prentiss Willson
William Creighton Woodward
Wallace Mason Yater
Joseph Rogers Young

II. The Washington Hospitals

3. Each of the following corporations and associations were engaged in the business of operating a hospital throughout the period of the

conspiracy hereinafter described:

Central Dispensary and Emergency Hospital
Children's Hospital of the District of Columbia
Columbia Hospital for Women
Eastern Dispensary and Casualty Hospital
Episcopal Eye, Ear and Throat Hospital
Garfield Memorial Hospital
Georgetown University Hospital
George Washington University Hospital
National Homeopathic Hospital of the District of Columbia
Providence Hospital
Sibley Memorial Hospital
Washington Sanitarium and Hospital

These hospitals are located in Washington in the District of Columbia, except that the Washington Sanitarium and Hospital is located in Takoma Park, Maryland. The hospitals listed in this paragraph will be referred to collectively hereinafter as "the Washington hospitals." The said hospitals include all of the hospitals in the District of Columbia not operated by the government.

III. Relationship between Certain Defendants

A. Relationship between Defendant American Medical Association and Defendants The Medical Society of the District of Columbia and Harris County Medical Society.

4. Membership in defendant American Medical Association is ordinarily obtainable only through affiliated State or territorial medical associations, known as "constituent" associations or societies of American Medical Association. Defendant The Medical Society of the District of Columbia is a constituent medical society of defendant American Medical Association. Membership in most "constituent" associations or societies is ordinarily obtainable only through membership in affiliated county or local medical societies, known as "component" societies of these constituent associations and of the American Medical Association. Defendant The Medical Society of the District of Columbia has no component societies. Defendant Harris

County Medical Society is a component medical society of defendant American Medical Association. Members of affiliated component or constituent medical societies are, ipso facto, members of defendant American Medical Association.

B. Memberships and Offices Held by Individual Defendants.

5. Membership in defendant American Medical Association was held by all individual defendants throughout the period of the conspiracy hereinafter described. For many years, and throughout the period of the conspiracy hereinafter described, the following individual defendants, namely:

Morris Fishbein, Editor of the Journal of the American Medical Association;

Olin West, Secretary and General Manager of the American Medical Association;

William Craighton Woodward, Director of the Bureau of Legal Medicine and Legislation of the American Medical Association;

William Dick Cutter, Secretary of the Council on Medical Education and Hospitals of the American Medical Association;

Roscoe Genung Leland, Director of the Bureau of Medical Economics of the American Medical Association,

have been employed by defendant American Medical Association in the positions indicated and, as the principal full-time officials and employees of said defendant Association, have been engaged in the active management of its business affairs and have been largely instrumental in forming and effectuating its policies and, in particular, in managing the business affairs and in forming and effectuating the policies of said defendant Association hereinafter set forth.

6. Membership in defendant The Medical Society of the District of Columbia was held, throughout the period of the conspiracy hereinafter described, by all of the individual defendants except those listed in paragraph 5 of this indictment as employees and officials

of defendant American Medical Association.

7. Defendant The Medical Society of the District of Columbia has an executive committee charged with carrying out the policies of the said defendant society.

8. Officers in defendant The Medical Society of the District of Columbia, and membership on the Executive Committee, were held during all or part of the period of the conspiracy hereinafter described by the individual defendants whose names are indicated below:

Thomas Edwin Neill, President, and member
of the Executive Committee;

Coursen Baxter Conklin, Secretary-Treasurer,
and member of the Executive Committee;

Robert Arthur Hogg, member of the
Executive Committee;

Francis Xavier McGovern, member of the
Executive Committee;

Edward Hiram Roede, member of the
Executive Committee;

William Mercer Sprigg, member and Chairman
of the Executive Committee;

Wallace Mason Yator, member of the
Executive Committee.

9. Membership on the Hospital Committee of defendant The Medical Society of the District of Columbia was held by the individual defendants listed below during all or part of the period of the conspiracy hereinafter described:

Leon Alphonse Martel

John Ogle Warfield, Jr.

Joseph Rogers Young

10. Membership or regular or attending staffs of the Washington hospitals was held by individual defendants throughout the period of the conspiracy hereinafter described, as follows:

Coursen Baxter Conklin

Children's Hospital of the District of Columbia

Eastern Dispensary and Casualty Hospital

George Washington University Hospital

James Bayard Gregg Custis

National Homeopathic Hospital of the District of Columbia

Robert Arthur Hoon

Central Dispensary and Emergency Hospital

Thomas Ernest Mattingly

Sibley Memorial Hospital

Leon Alphonse Martel

Georgetown University Hospital

Francis Xavier McGovern

Garfield Memorial Hospital

Thomas Edwin Neill

Episcopal Eye, Ear and Throat Hospital

Garfield Memorial Hospital

William Mercer Sprigg

Columbia Hospital for Women

William Joseph Stanton

Georgetown University Hospital

John Ogle Warfield, Jr.

Children's Hospital of the District of Columbia

Garfield Memorial Hospital

Prentiss Willson

Columbia Hospital for Women

Wallace Mason Yator

Georgetown University Hospital

Joseph Rogers Young

Eastern Dispensary and Casualty Hospital

IV. The Background of the Conspiracy

11. In the last few decades great and unprecedented advances in medical knowledge and technique have occurred. No single doctor now knows or can know enough medical science to enable him to render complete and adequate medical care. Specialization in the rendition of medical care has necessarily resulted. Costly diagnostic and therapeutic equipment and facilities have now become essential for the rendition of complete and adequate medical care. The cost of complete and adequate medical care has increased substantially.

12. Many persons embraced within the low income group in the United States, including the District of Columbia, do not now obtain, and cannot now afford to obtain, complete and adequate medical care.

13. During the last few decades, many general practitioners and specialists have associated themselves together in group practice in order to reduce the cost and improve the quality of medical care by sharing their knowledge and by making joint use of equipment and facilities. During the last few decades attempts have been made to enable persons in the low income group to meet the cost of medical care on a risk sharing prepayment basis and thus to avoid excessive economic burdens occasioned by the uneven incidence of illness. To achieve these objectives, organizations have been formed in which general practitioners and specialists engaged in group practice undertake to give complete medical care of high quality to persons who pay therefor on a risk sharing prepayment basis.

14. Experimentation with group medical practice on a risk sharing prepayment basis, if not obstructed by coercive restraints, may contribute to the solution of the problem of providing complete and adequate medical care. Many surveys of the problem in recent years have resulted in recommendations for such experimentation. There is reason to believe, and a large body of informed opinion holds, that the supplying of medical care in this manner and on this basis may be so organized as to obtain qualified doctors and to afford those doctors conditions of practice which are conducive to a high quality of medical service satisfactory to both doctor and patient and which enable the said doctors to find satisfaction in their work and to obtain a stable, adequate net income; moreover, that this method of supplying medical care may be utilized without unduly affecting such free choice of physicians as is ordinarily enjoyed by patients and without involving interference on the part of laymen with the medical service or with the relationship subsisting between doctor and patient. There is reason to believe, and a large body of informed opinion holds, that such method of providing medical care is less

costly than, and, in many respects from the standpoint of both doctor and patient, superior to, individual practice on a fee for service basis.

15. Principally for economic reasons and because it has feared, for its members, business competition from the doctors connected with organizations in which doctors engage in group practice on a risk sharing prepayment basis, defendant American Medical Association, and the individual defendants employed by said defendant Association, have adopted and for many years have pursued a policy of opposition to experimentation with such organizations, and have taken affirmative steps to oppose their formation and operation throughout the United States.

V. The Dominant Position of Defendant American Medical Association and the Circumstances Affording the Defendants, Acting Together, Economic and other Coercive Power to Restrain Group Medical Practice on a Risk Sharing Prepayment basis.

A. The Importance of Membership in Medical Societies, of Consultations, and of Hospital Privileges.

16. Membership in a medical society affiliated with defendant American Medical Association, and hence in defendant American Medical Association itself, is valuable to practicing doctors because such membership carries professional prestige, because defendant American Medical Association and affiliated societies provide desirable services for and contacts to members, and because many doctors and many hospitals and others serving the medical profession deal only with such doctors as are members of defendant American Medical Association. Exclusion or expulsion from membership in a medical society affiliated with defendant American Medical Association, and hence from membership in defendant American Medical Association itself, deprives doctors, including doctors engaged in group practice on a

risk sharing prepayment basis, of these advantages and also injures their professional standing.

17. Consultations between doctors are frequently advantageous, both to the patient and to the doctors. Defendant American Medical Association recommends that doctors seek consultations with other doctors in cases of serious illness. Consultations with specialists outside of the group is frequently desirable for doctors engaged in group practice on a risk sharing prepayment basis. Doctors, including doctors engaged in group practice on a risk sharing prepayment basis, are seriously handicapped if they are prevented from obtaining consultations.

18. The privilege of attending and treating their patients in a well-equipped hospital is essential for all practicing surgeons. Such privilege is desirable for all practicing doctors. Exclusion from hospitals of surgeons and physicians, including those engaged in group practice on a risk sharing prepayment basis, seriously restrains them in the pursuit of their callings.

19. It is desirable and frequently essential for the successful conduct of the business of organizations engaged in arranging for the provision of medical care by salaried doctors engaged in group medical practice on a risk sharing prepayment basis, and thus for the members of or subscribers to such organizations, that the doctors composing the medical staffs thereof, equally with other doctors, be afforded the opportunity of obtaining, and be not prevented from obtaining, memberships in medical societies, consultations with other doctors, and the use of hospital facilities.

B. Power of Certain Defendants to Exclude and to Expel Doctors Engaged in Group Practice on a Risk Sharing Prepayment Basis from Membership in Medical Societies.

20. A large percentage of the doctors practicing in the District of Columbia (in excess of 800) are members of defendant The Medical

Society of the District of Columbia, and thus of defendant American Medical Association. There are approximately 145,000 doctors engaged in practice in the United States. Approximately 110,000 doctors are members of defendant American Medical Association. Defendant American Medical Association has a gross income of several million dollars a year, and its investments in capital assets have been and are substantial; it employs about 500 persons in the conduct of its business. Defendant American Medical Association is engaged in the business of publishing a weekly magazine known as The Journal of the American Medical Association, which has a weekly circulation of approximately 95,000; it is the only medical journal with an extensive circulation among the members of the medical profession. The said Journal contains a section entitled "Organization Section," devoted to organizational, business, economic, and social aspects of medical practice. The said Journal has been edited and managed in such a manner as to express the policy of defendant American Medical Association and of the individual defendants employed by it of opposition to group medical practice on a risk sharing prepayment basis and to further the effectuation of such policy of opposition. The columns of said Journal have not been open for the expression of contrary views about group medical practice on a risk sharing prepayment basis. Defendant American Medical Association maintains a bureau known as the Bureau of Medical Economics, which concerns itself with the economic organization of the practice of medicine. The said Bureau of Medical Economics has taken a leading part in carrying out defendant American Medical Association's policy of opposing, discouraging, and suppressing group medical practice on a risk sharing prepayment basis. By reason of its size, organization and activities, defendant American Medical Association is the only important society representative of the medical profession in the United States. The medical profession in the United States and its policies are influenced, and to a great extent controlled by defendant American Medical Association.

21. Defendant American Medical Association has promulgated certain rules, called by it "Principles of Medical Ethics", which purport to define the duties of doctors in their relations with their patients and among themselves. The constituent and component societies of defendant American Medical Association, including defendant The Medical Society of the District of Columbia and defendant Harris County Medical Society, have adopted and they govern their members by the said "Principles of Medical Ethics". The members of defendant The Medical Society of the District of Columbia are required to, and do, pledge themselves to comply with said principles. These so-called "Principles of Medical Ethics" are expressed in the form of indefinite standards and, as interpreted and applied by defendant American Medical Association and its affiliated constituent and component societies, are not confined to requirements of ethical, moral, or legal conduct, but embody as well purely economic restrictions upon the practice of medicine. Under these rules, so interpreted, defendant American Medical Association and its affiliated constituent and component societies can, and frequently do, condemn as "unethical" group medical practice on a risk sharing prepayment basis, principally because such practice is in business competition with and threatens the incomes of doctors engaged in practice on a fee for service basis, and particularly of doctors so practicing who are members of defendant American Medical Association and its affiliated constituent and component societies.

22. The affiliated constituent and component societies of defendant American Medical Association, including defendant The Medical Society of the District of Columbia and defendant Harris County Medical Society, act as enforcing agencies of defendant American Medical Association with respect to the "Principles of Medical Ethics". Said constituent and component societies, including defendant The Medical Society of the District of Columbia and defendant Harris County Medical Society, under the supervision and control of defendant American Medical Association, have the power to, and do, suspend, expel, or otherwise discipline

certain rules, called by it "Principles of Medical Ethics", which purport to define the duties of doctors in their relations with their patients and among themselves. The constituent and component societies of defendant American Medical Association, including defendant The Medical Society of the District of Columbia and defendant Harris County Medical Society, have adopted and they govern their members by the said "Principles of Medical Ethics". The members of defendant The Medical Society of the District of Columbia are required to, and do, pledge themselves to comply with said principles. These so-called "Principles of Medical Ethics" are expressed in the form of indefinite standards and, as interpreted and applied by defendant American Medical Association and its affiliated constituent and component societies, are not confined to requirements of ethical, moral, or legal conduct, but embody as well purely economic restrictions upon the practice of medicine. Under these rules, so interpreted, defendant American Medical Association and its affiliated constituent and component societies can, and frequently do, condemn as "unethical" group medical practice on a risk sharing prepayment basis, principally because such practice is in business competition with and threatens the incomes of doctors engaged in practice on a fee for service basis, and particularly of doctors so practicing who are members of defendant American Medical Association and its affiliated constituent and component societies.

22. The affiliated constituent and component societies of defendant American Medical Association, including defendant The Medical Society of the District of Columbia and defendant Harris County Medical Society, act as enforcing agencies of defendant American Medical Association with respect to the "Principles of Medical Ethics". Said constituent and component societies, including defendant The Medical Society of the District of Columbia and defendant Harris County Medical Society, under the supervision and control of defendant American Medical Association, have the power to, and do, suspend, expel, or otherwise discipline members claimed by said defendant societies and association to have

violated the "Principles of Medical Ethics". Principally for the reasons hereinabove set forth, defendants American Medical Association, The Medical Society of the District of Columbia, and Harris County Medical Society possess power to expel or exclude from membership a doctor disapproved by them solely because he has associated himself with group medical practice on a risk sharing prepayment basis.

C. Power of Certain Defendants to Restrain Doctors from Engaging in Group Medical Practice on a Risk Sharing Prepayment Basis and to Restrain Doctors from Consulting with Doctors so Engaged.

23. A provision, to wit: Chapter IX, Article IV, Section 5 of the constitution of defendant The Medical Society of the District of Columbia prohibits any professional relationship whatsoever, including consultations, between members of the said defendant Society on the one hand and, on the other, any doctor, organization or group rendering medical care within the District of Columbia or without the limits thereof, which doctor, organization, or group has not been "approved" by defendant The Medical Society of the District of Columbia. By reason of this provision, and by reason of the power of defendant The Medical Society of the District of Columbia to exclude applicants for membership, and to suspend, expel, or otherwise discipline its members, under the supervision and control of defendant American Medical Association, said defendants have power to deter doctors from engaging in group medical practice on a risk sharing prepayment basis or from consulting with doctors engaged in such group practice.

D. Power of Certain Defendants to Restrain Doctors Engaged in Group Practice on a Risk Sharing Prepayment Basis from Obtaining Access to Hospital Facilities.

24. The medical services and the determination of the medical policies of the Washington hospitals are controlled in each such hospital by a medical staff, consisting of doctors appointed thereto by the governing body of the hospital and commonly designated as the "regular" or

"attending" staff of a Washington hospital are permitted to operate upon their patients within that hospital and to use the facilities thereof. Each Washington hospital also has a "courtesy" staff, comprising those doctors, not on its "regular" or "attending" staff, who are permitted to treat or operate on their patients in that hospital. Except in emergency cases, only those doctors who have been appointed to the "attending" or "regular" staff or to the "courtesy" staff of a Washington hospital are permitted to treat or operate on patients within that hospital. Formal appointment to the courtesy staff of each Washington hospital is made by the governing body of that hospital.

25. Applications for appointment to the courtesy staff of each Washington hospital are passed upon by the attending or regular staff of that hospital. Each Washington hospital, acting through its governing body, ordinarily finds it expedient to follow, and ordinarily does follow, the recommendations of its attending or regular staff with respect to appointments to its courtesy staff. Nearly all members of the attending or regular staff of each Washington hospital are members of defendant The Medical Society of the District of Columbia and of defendant American Medical Association. As such members, they know, and can and do communicate to the Washington hospitals, the policies and wishes of defendant The Medical Society of the District of Columbia and of defendant American Medical Association.

26. Defendant The Medical Society of the District of Columbia has a standing committee, known as the Hospital Committee, composed of a member of the regular or attending staff of each Washington hospital, whose function it is to communicate to the Washington hospitals the policies and wishes of defendant The Medical Society of the District of Columbia, to endeavor to obtain compliance by the Washington hospitals with the wishes and policies, and further, to keep defendant The Medical Society of the District of Columbia informed with respect to compliance by the Washington hospitals with those wishes and policies.

27. Defendant The Medical Society of the District of Columbia has approved each of the Washington hospitals located in Washington. Defendant The Medical Society of the District of Columbia, by withdrawing its approval of a Washington hospital, makes a member of the attending or regular medical staff of that hospital who continues to serve on such staff subject to disciplinary action by said defendant society, including expulsion from said society. Simultaneous withdrawal of the members of its regular or attending staff from a Washington hospital, in order to obtain compliance by that hospital with the wishes and policies of the defendant The Medical Society of the District of Columbia, would deprive the hospital of services essential to it, would cause it a loss of prestige, and would thereby seriously injure the said hospital.

28. Defendant Washington Academy of Surgery makes recommendations to some of the Washington hospitals with respect to appointments to their courtesy staffs. In making such recommendations, defendant Washington Academy of Surgery can and does carry out the policies and wishes of defendant The Medical Society of the District of Columbia. The recommendations of defendant Washington Academy of Surgery with respect to such appointments are ordinarily followed by the regular or attending staff of the Washington hospitals in making recommendations to the governing bodies of such hospitals with respect to applications for such appointments.

29. Medical students and doctors receiving postgraduate training in hospitals, ordinarily known as "interns" and "residents," render valuable services to the hospitals without substantial compensation. Defendant American Medical Association, by means of periodic inspections, determines and declares what hospitals in the United States it believes are suitable for postgraduate training of interns and residents. No other public or private agency rates

hospitals for this purpose. In order to obtain credit generally throughout the medical profession for postgraduate training in hospitals, and frequently in order to obtain a medical degree or a license to practice, it is necessary for medical students and doctors to take such training in hospitals which defendant American Medical Association has approved for that purpose. Loss of approval by defendant American Medical Association therefore not only causes a loss of prestige to a hospital, but also ordinarily prevents a hospital from obtaining interns and residents. Inability to obtain interns and residents ordinarily compels a hospital to employ house doctors, at substantial expense.

30. Defendant American Medical Association has adopted the policy that hospitals approved by it for intern and resident training should have on their medical staffs only doctors who are members of defendant American Medical Association.

31. Each Washington hospital is approved by defendant American Medical Association for the training of interns or of residents or of both. The power of defendant American Medical Association to withdraw such approval gives defendant American Medical Association power to enforce compliance by Washington hospitals with the policies and wishes of defendant The Medical Society of the District of Columbia and of defendant American Medical Association.

32. Principally for the reasons hereinabove alleged, defendants American Medical Association, The Medical Society of the District of Columbia, and Washington Academy of Surgery possess power to expel or exclude a doctor, disapproved by them solely because he has engaged in group medical practice on a risk sharing prepayment basis, from attending and treating his patients in the Washington hospitals, the said Washington hospitals including all the hospitals in the District of Columbia in which private patients may be treated by doctors.

VI. The Conspiracy

33. Group Health Association, Inc. was incorporated on February 19, 1937, and authorized to do business under and by virtue of the laws of Congress for the District of Columbia. Said corporation is a non-profit, cooperative association of employees of certain departments in the executive branch of the United States Government employed in the District of Columbia. Most members of Group Health Association, Inc., are embraced within the low income group, over 80% of them earning annual incomes of not more than \$2,000. Said corporation is engaged in the District of Columbia in the business of arranging for the provision of medical care and hospitalization to its members and their dependents on a risk sharing prepayment basis. Said corporation collects monthly payments in the form of dues from its members. Medical care is provided by a medical staff consisting of salaried general practitioners and specialists engaged in group practice under the sole direction of a medical director. Said corporation pays adequate salaries to the doctors on its medical staff and provides the medical staff with a modern, well equipped clinic, which was opened on November 1, 1937. Said corporation also defrays, within limits, the expenses of hospitalization of its members and their dependents. The personal relationship ordinarily existing between doctor and patient obtains between the doctors on the medical staff of Group Health Association, Inc. and their Group Health Association, Inc. patients.

34. Beginning in January, 1937, or shortly thereafter, and continuing to the date of the presentation of this indictment, the defendants, and certain members of defendant The Medical Society of the District of Columbia not made defendants, and the Washington hospitals, and other persons to the grand jurors unknown, well knowing

the foregoing facts, have combined and conspired together for the purpose of restraining trade in the District of Columbia, that is to say:

- (1) for the purpose of restraining Group Health Association, Inc. in its business of arranging for the provision of medical care and hospitalization to its members and their dependents on a risk sharing prepayment basis;
- (2) for the purpose of restraining the members of Group Health Association, Inc. in obtaining, by cooperative efforts, adequate medical care for themselves and their dependents from doctors engaged in group medical practice on a risk sharing prepayment basis;
- (3) for the purpose of restraining the doctors serving on the medical staff of said Group Health Association, Inc. in the pursuit of their callings;
- (4) for the purpose of restraining doctors (not on the medical staff of Group Health Association, Inc.) practicing in the District of Columbia, including the doctors so practicing who are made defendants herein, in the pursuit of their callings;
- (5) for the purpose of restraining the Washington hospitals in the business of operating such hospitals.

In so doing, defendants have then and there engaged in an unlawful combination and conspiracy in restraint of trade in and of the District of Columbia in violation of Section 3 of the Act of Congress on July 2, 1890, known as the Sherman Antitrust Act.

35. Throughout the period covered by this indictment, Group Health Association, Inc. and its medical staff were discussed at

frequent meetings of defendant The Medical Society of the District of Columbia and of committees of said defendant Society, and at other meetings and conferences. At such meetings and conferences, the combination and conspiracy hereinabove described was proposed, discussed, and formed, in part, and carried on in part. Plans, understandings, and agreements to accomplish the unlawful purposes hereinabove described were proposed, discussed and adopted at such meetings. Many of such plans, understandings, and agreements were set forth in formal resolutions adopted by defendant The Medical Society of the District of Columbia, and by the committees thereof. Among such resolutions was the following resolution adopted at a meeting of defendant The Medical Society of the District of Columbia, held in Washington in the District of Columbia on November 3, 1937:

WHEREAS, The Medical Society of the District of Columbia has an apparent means of hindering the successful operation of Group Health Association, Inc., if it can prevent patients of physicians in its employ being received in the local private hospitals; and

WHEREAS, The Medical Society of the District of Columbia has no direct control over the policies of such hospitals as determined by their lay boards of directors, except through its control of its own members serving on their medical staffs; and

WHEREAS, conflicts between the Medical Society of the District of Columbia and any local hospitals arising from an attempt to enforce the provisions of Chapter IX, Article IV, Section 5, of its Constitution should be assiduously avoided, if possible, because of the unfavorable publicity that would accrue to its own members; therefore, be it

RESOLVED, That the Hospital Committee be, and is hereby, directed to give careful study and consideration to all phases of this subject and report back to the Society, at the earliest practicable date, its recommendations as to the best way of bringing this question to the attention of the medical boards and boards of directors of the various local hospitals in such a manner as to insure the maximum amount of practical accomplishment with the minimum amount of friction and conflict.

Following adoption of the said resolution of November 3, 1937, the combination and conspiracy hereinabove described was further discussed and carried on at later meetings of defendant The Medical

Society of the District of Columbia and of committees of said defendant Society, and at other meetings and conferences. Said meetings were held, said resolutions were adopted, and said plans, understandings, and agreements were proposed, discussed, and adopted, with the knowledge, approval and assistance of defendant American Medical Association and of the individual defendants who are employed by defendant American Medical Association.

36. The combination and conspiracy herinabove described and the intended restraints which have resulted therefrom have been effected in the following manner and by the following means, among others, to wit:

- (a) Defendants have combined and conspired with the plan and purpose to hinder and obstruct Group Health Association, Inc. in procuring and retaining on its medical staff qualified doctors, and to hinder and obstruct the doctors serving on that staff from obtaining consultations with other doctors and specialists practicing in the District of Columbia. Pursuant to this plan and purpose the defendants have performed, among others, the following acts: Defendants (other than defendants Washington Academy of Surgery and Harris County Medical Society) circulated a "white list" of organizations, groups and individuals approved by defendant The Medical Society of the District of Columbia, omitting from said "white list" the name of Group Health Association, Inc. with the intent and purpose of threatening with disciplinary action any doctors, members of defendant The Medical Society of the District of Columbia, who should become members of the medical staff of Group Health

association, Inc. or who should consult with members of the medical staff of Group Health Association, Inc. Defendants (other than defendant Washington Academy of Surgery and Harris County Medical Society) instituted disciplinary proceedings against two doctors, who were the only doctors on the medical staff of Group Health Association, Inc. who were members of defendant The Medical Society of the District of Columbia. Principally by means of such disciplinary proceedings, the said defendants induced and coerced one of the said doctors to resign from the staff of Group Health Association, Inc., and brought about the expulsion of the other doctor from membership in defendant The Medical Society of the District of Columbia. Defendant Harris County Medical Society at the request of defendant The Medical Society of the District of Columbia and of the other defendants (except defendant Washington Academy of Surgery), instituted disciplinary proceedings against a doctor on the medical staff of Group Health Association, Inc. who was a member in good standing of said defendant Harris County Medical Society and the only other doctor on the medical staff of Group Health Association, Inc. who was a member of defendant American Medical Association. The doctors against whom the above described disciplinary proceedings were instituted were and are qualified, ethical doctors in good standing; the disciplinary proceedings above described were instituted against these doctors because of their association with Group Health Association, Inc., and for

the purpose of depriving the said Group Health Association, Inc. doctors of the privileges of consulting with other doctors and of using the facilities of the Washington hospitals. The said defendants also instituted similar disciplinary proceedings against a specialist practicing medicine in the District of Columbia, on the alleged ground that he had consulted with a doctor on the staff of Group Health Association, Inc., intending thereby to penalize the said specialist for failing to boycott Group Health Association, Inc. doctors and thereby to induce other specialists to boycott Group Health Association, Inc. doctors. Principally by the means hereinabove described, defendants have coerced doctors to boycott Group Health Association, Inc. by refraining from becoming members of or by resigning from, the medical staff of Group Health Association, Inc., and to boycott doctors on the medical staff of Group Health Association, Inc. by refusing to consult with them about their patients. By thus coercing doctors, defendants hindered and obstructed Group Health Association, Inc. in procuring and retaining on its medical staff qualified doctors, and hindered and obstructed doctors on the medical staff of Group Health Association, Inc. in obtaining consultations with doctors not on that staff.

- (b) Defendants have combined and conspired with the plan and purpose to hinder and obstruct Group Health Association, Inc. in obtaining access to hospital facilities for its members, and to hinder and obstruct the

doctors on the medical staff of Group Health Association, Inc. from treating and operating upon their patients in Washington hospitals. Pursuant to this plan and purpose, defendants have performed, among others, the following acts: Defendants (other than defendants Washington Academy of Surgery and Harris County Medical Society) circulated among the Washington hospitals a "white list" of organizations, groups and individuals approved by defendant The Medical Society of the District of Columbia, omitting from said "white list" the name of Group Health Association, Inc. with the intent and purpose of threatening with punitive action any such hospital which should admit to its courtesy staff a doctor on the medical staff of Group Health Association, Inc., however qualified or however great his professional skill. Defendants (other than defendants Washington Academy of Surgery and Harris County Medical Society) urged and demanded that the Washington hospitals admit to their staffs only those doctors who were members of defendant The Medical Society of the District of Columbia or of neighboring medical societies affiliated with defendant American Medical Association and, hence, of defendant American Medical Association, well knowing that doctors on the medical staff of Group Health Association, Inc., were not permitted, and intending that they be not permitted, to become or remain members of such societies. Defendant Washington Academy of Surgery recommended to those Washington hospitals which made inquiry of it that said hospitals

exclude from their courtesy staffs the surgeon on the medical staff of Group Health Association, Inc.; in so doing, said defendant Washington Academy of Surgery based its action principally upon the membership of said surgeon on the medical staff of Group Health Association, Inc. The Washington hospitals have failed and refused to appoint the surgeon on the medical staff of Group Health Association, Inc. to their courtesy staffs notwithstanding the fact that said surgeon is qualified and competent in the practice of surgery; in so doing, the said hospitals based their action, principally upon the membership of said surgeon on the medical staff of Group Health Association, Inc. Defendants (other than defendants Washington Academy of Surgery and Harris County Medical Society), by threatening to deprive him of courtesy staff privileges at a Washington hospital, induced a physician on the medical staff of Group Health Association, Inc. to resign from the said Association's medical staff. Principally by the means hereinabove described, defendants have coerced the Washington hospitals to boycott Group Health Association, Inc. and the doctors on the said Association's staff. By thus coercing the Washington hospitals, defendants hindered and obstructed Group Health Association, Inc. in obtaining access to hospital facilities for its members, and hindered and obstructed the doctors on the medical staff of Group Health Association, Inc. from treating and operating upon their patients in the Washington hospitals.

37. Some defendants have performed certain of the acts herein set forth in the formation and in the furtherance of the combination and conspiracy, while other defendants have performed other of the acts herein set forth in the formation and in the furtherance of the combination and conspiracy. Each defendant has, however, knowingly participated in the formation and furtherance of the combination and conspiracy, pursuant to the common purposes set forth in paragraph 34 of this indictment.

38. The combination and conspiracy hereinabove described, effectuated in part in the manner and by the means hereinabove alleged, has, as intended by defendants, prevented doctors from becoming or remaining members of the medical staff of Group Health Association, Inc., and has prevented other doctors from consulting with the doctors on the medical staff of Group Health Association, Inc., and has prevented doctors on the medical staff of Group Health Association, Inc., from treating and operating on their patients in any of the hospitals in or near the District of Columbia. Principally by these means, defendants, in thus combining and conspiring, have substantially accomplished all the illegal purposes set forth in paragraph 34 of this indictment, and have succeeded in imposing all said intended restraints of trade.

39. The combination and conspiracy herein set forth has been carried to a large extent and, as intended by the defendants, has operated and been carried out to a large extent, within the District of Columbia. Most of the restraints of trade resulting from such combination and conspiracy have been imposed and effected in the District of Columbia. Among other acts done in the District of Columbia for the purpose of effectuating the combination and conspiracy alleged in this indictment was the adoption of the resolution set forth in paragraph 35 of this indictment, at a meeting of defendant The Medical Society of the District of Columbia.

And so the Grand Jurors aforesaid, upon their oaths aforesaid, do find and present that defendants, throughout the period aforesaid, at the places, and in the manner and form aforesaid, unlawfully have engaged in a continual combination and conspiracy

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any restraint of the aforesaid trade and commerce in and
the District of Columbia; contrary to the statute in such case
made and provided, and against the peace and dignity of the
United States of America.

John Fenn, Clerk

Allan Hart

Douglas B. Lapps

Grant T. Kelleher

Special Assistants to the Attorney
General

Thurman Arnold

Assistant Attorney General

David A. Pine

Attorney of the United States
in and for the District of Columbia

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FEDERAL BUREAU OF INVESTIGATION

Form No. 1

This Case Originated At WASHINGTON, D. C.

File No. 60-273

Report Made At <u>WASHINGTON, D. C.</u>	Date When Made <u>12/23/38</u>	Period For Which Made <u>12/20/38</u>	Report Made By <u>LOUIS LOEBL LL IS</u>
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Title CHANGED:

AMERICAN MEDICAL ASSOCIATION; THE MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA; HARRIS COUNTY MEDICAL SOCIETY; WASHINGTON ACADEMY OF SURGERY; ARTHUR CARLISLE CHRISTIE; COURSEN BAXTER CONYLIN; JAMES BAYARD GREGG CUSTIS; WILLIAM DICK CUTTER, MORRIS FISHBEEIN; THOMAS ALLEN GROOVER; ROBERT ARTHUR HOGE; ROSCO GENUNG LELAND; LEON ALPHONSE MARTEL; THOMAS ERNEST MATTINGLY; FRANCIS XAVIER MCGOVERN; THOMAS EDWIN NEILL; EDWARD HIRSH REEDE; WILLIAM MERCER SPRIGG; WILLIAM JOSEPH STANTON; JOHN COLF WARFIELD, JR.; OLIN WEST; PRENTISS WILLSON; WILLIAM CREIGHTON WOODWARD; WALLACE MASON YATER; JOSEPH ROGERS YOUNG.

Character of Case

CONSPIRACY -
ANTITRUST

SYNOPSIS OF FACTS:

On December 20, 1938, True Bills of Indictment returned against the American Medical Association and five of its officers, the Medical Society of the District of Columbia and sixteen of its officers or former officers, the Harris County Medical Society, and the Washington Academy of Surgery, charging conspiracy to restrain trade, in violation of the Sherman Antitrust Act.

P.

DETAILS:

The title and character of this case have been changed in conformity with the indictment returned in this case.

At Washington, D. C.

On December 20, 1938, the special Grand Jury of the

Approved and Forwarded: Ray Folger

Special Agent in Charge

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United States District Court for the District of Columbia
returned True Bills of Indictment against the following
associations and individuals:

Associations

American Medical Association, Chicago, Illinois

The Medical Society of the District of Columbia,
Washington, D. C.

Harris County Medical Society, Houston, Texas

Washington Academy of Surgery, Washington, D. C.

American Medical Association

MORRIS FISHBEIN, Editor of the Journal of the A.M.A.

CLIN WEST, Secretary and General Manager of the A.M.A.

WILLIAM CREIGHTON WOODWARD, Director of the Bureau of
Legal Medicine and Legislation of the A.M.A.

WILLIAM DICK CUTTER, Secretary of the Council on
Medical Education and Hospitals of the A.M.A.

ROSCO GEORGE LELAND, Director of the Bureau of Medical
Economics of the A.M.A.

The Medical Society of the District of Columbia:

THOMAS EDWIN NEILL, President, and member of the
Executive Committee

COURSEN BAXTER CONKLIN, Secretary-Treasurer, and
member of the Executive Committee

ROBERT ARTHUR HOGE, member of the Executive Committee

FRANCIS XAVIER MCCOY, member of the Executive
Committee

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EDWARD HERMAN REELE, member of the Executive Committee

WILLIAM MERCER SPRIGG, member and Chairman of the Executive Committee

WALLACE MASON YATER, member of the Executive Committee

LEON ALPHONSE MARTEL

JOHN OGILVIE BARFIELD, JR.

JOSEPH ROGERS YOUNG

ARTHUR CHRISTIE

THOMAS A. GROOVER

JAMES HAYARD GREGG CUSTIS

THOMAS ERNEST WITTINGLY

WILLIAM JOSEPH STANTON

PRENTISS WILLSON

The indictment charges that beginning in January, 1937, and thereafter, the defendants have engaged in an unlawful combination and conspiracy in restraint of trade, restraining: (1) the Group Health Association, Inc.; (2) members of the Group Health Association, Inc.; (3) doctors serving on the medical staff of the Group Health Association, Inc.; (4) doctors not on the medical staff of the Group Health Association, Inc., and (5) Washington hospitals, in violation of the Sherman Antitrust Act.

The indictment consisting of seven sections and 39 specifications was returned before Mr. JUSTICE JAMES FROCTOR. A copy of the indictment is attached to the Bureau's copies of this report, and an extra copy thereof is maintained in the Washington Field Office file in this case.

ENCLOSURE TO BUFILE, copy of indictment returned in instant case.

- P E N D I N G -

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FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT WASHINGTON, D. C.

N.Y. FILE NO 60-560

HB

REPORT MADE AT NEW YORK CITY	DATE WHEN MADE 1/26/39	PERIOD FOR WHICH MADE 1/13/39	REPORT MADE BY J. E. SUTCHER
TITLE AMERICAN MEDICAL ASSOCIATION, ET AL			CHARACTER OF CASE CONSPIRACY; ANTITRUST

SYNOPSIS OF FACTS

Confidential Informant ☐ upon being interviewed, states in effect that **H. MORRIS FISHBAIN** and his immediate personally selected associates dominate the American Medical Association, and through it, the State and County Medical Societies; that all physicians throughout the United States are practically coerced into joining and retaining membership in the organization, because without such membership, a physician cannot obtain malpractice insurance, and without this insurance, he cannot afford to practice; that if a physician ceases to be a member, his insurance is automatically cancelled or not renewed. Further, that only those pharmaceutical manufacturers who advertise in the Journal of the Association are permitted to exhibit their products at the Medical conventions, and in order to advertise in the Journal, the manufacturer must not advertise in any other publication without the consent or approval of the Journal. Further, that through its policy of "ruin and rule" it has been the practice of the administration of the American Medical Association to block any new or progressive medical activity, unless and until it can be brought within the scope of its monopolistic control.

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REFERENCE:

New York Field Office Personal and Confidential letter to Bureau dated October 28, 1938.

Bureau to New York Field Office Personal and Confidential letter dated November 3, 1938. (File #60-2271)

Report of Special Agent Louis Logbl at Washington, D. C., December 23, 1938.

DETAILS:

Confidential Informant upon being interviewed in response to his request as reported in the New York Bureau letter of reference, dated October 26, 1938, stated that in making the following statement he feels that he is rendering a service to his own profession by aiding the Government regarding an undesirable situation, and that he is protesting as a citizen, and as a member of the profession, and is working for the public good and particularly the good of the profession.

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He further stated as follows:

"There are angles to this case in every State of the Union. The situation which they have unearthed here (the present case which is now pending in the District of Columbia) is only typical of a situation which confronts the medical profession and the public throughout the whole United States. This is only a public demonstration of the conspiracy in restraint of trade. There exist many known public or hidden restraints of trade. For example, in the United States there are approximately 110,000 physicians. Of those 110,000 there are probably 80,000 members of the American Medical Association. At least 90,000 or more are readers of the Journal of the American Medical Association and it is presumed that those who subscribe to the Journal are by that fact, members of the American Medical Association. They are members of the Society

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SO-550

and subscribers to that Journal by coercion in many instances, and not be voluntary application and acceptance of the organization.

The manner in which the coercion works is this: When a Doctor has finished his educational work, and has obtained his license, he naturally wants to practice his profession, as he has invested a lot of time and money in it, and he wants to earn his livelihood and earn it safely. He cannot earn it safely unless he submits to the domination of the American Medical Association. He has no choice in the matter, and the manner in which the coercion and domination is asserted, is as follows:

He has learned from older Doctors and from business friends that he can not practice safely unless he carries malpractice insurance, the result being, that the number of malpractice suits, particularly of late years, has become enormous, perhaps not actual suits, but threatened suits. One such suit can financially ruin a man who has been practicing for many years; moreover, one such suit can be frequently won by the plaintiff merely because the Doctor cannot afford to hire legal talent, whereas if he carried insurance, this would be furnished him.

It is, therefore, all important for Doctors to carry this form of insurance, but he cannot carry insurance in the most reliable companies unless he is a member of the County Medical Society, State Medical Society, and the American Medical Association, which membership binds him hand and foot to say "Yes" to anything that the ring leaders of those Societies desire him to approve.

In refutation to this, it might be pointed out that there are some companies which are granting a man insurance without regard to this, but these companies operate in states foreign to him, have not the approval of the State Insurance Department of his own State, are of doubtful reliability, and certainly could not be compelled to defend him without costly legal procedure. Therefore, the man who wishes to be free and independent of the Society's domination, simply cannot be. He must become a member of the Society and submit, or else be a target for every malpractice and malicious suit which could be brought against him.

Best copy available

CO-560

Evidence is not lacking that such suits occur to those holding out from joining the Society, simply as, shall we say, 'moral lessons'. (Upon being questioned as to what evidence is available in this respect, the informant stated that he did not know of any specific instances, but suggested that an analysis of the statistics relative to malpractice suits throughout the country, particularly as to the proportion of defendants in such suits who were respectively members and non-members of the Association, might be significant.) Continuing, the informant stated:

"Parallel this with the racketeer who invites you to get the protection of his service - 'or else'. You know his service is a racket; you do not want it, but you are coerced into taking it because it is the lesser of two evils.

The service rendered by the medical societies is purely hypothetical. In my own opinion, ninety-five per cent of the members of these Societies never attend a meeting after they are elected; there is no reason why they should. The scientific matters discussed are frequently drivel and most of the business discussed resolves itself into quibble, whereas the actual policies of the Societies are in the hands of a clique.

What makes this domination more sinister, is that all of these cliques are under the domination eventually of a very narrow clique in Chicago, which is under the very personal domination of one man: (DR. MORRIS FISHBEIN) His domination is completely autocratic and while it is true that he has associates, it is very noticeable that they constitute his personal selection. His brother is the 'crown prince', and his brother-in-law is the next in power. The affairs of the Association are completely directed from this point. The motive is primarily power; secondarily, plunder. The American Medical Association, as a business organization, has been exceedingly profitable; as a means of power and domination, it is even more powerful.

The coercion and restraint of trade is not only evident in the medical profession, who, after all, are more or less the innocent victims of it, but it is particularly evident in the commercial field. The pharmaceutical profession, in general, is

Best copy available

CU-580

well aware of the fact that they are completely at the mercy of the 'Board of Strategy' in the Chicago Office of the American Medical Association. Many a manufacturer has been subjected to unwarranted expenses and losses, simply because they did not submit or shall we say, 'come through'. Of course, some other pretext was found for the opposition to the product. Although it had a wealth of experimental evidence, to back it up, it was found to need 'modification' unless - -.

As a specific instance of this, I mention a certain product put out by an eminently respectable firm in a thoroughly scientific manner. The name of the substance is "pantocaine", which was found meritorious, and there could be no possible objection to it, but in order to coerce the manufacturer, after labels and literature had been prepared, the American Medical Association decided that the name should be 'Pontocaine' instead of 'Pantocaine' - merely a whim to show authority.

The American Medical Association has rallied against self-medication for years, and yet it has accomplished a complete about face on this subject when it suited the purpose, or the pleasure, shall we say, of DR. FISHBEIN, to put out his own book, antititled 'The Family Home Physician' which is replete with self-medication advice. This book has received full page, spread advertising, plastering the name of DR. MORRIS FISHBEIN all over the country, and yet if a physician writes a book, and obtains some publicity for it, he is immediately subjected to criticism, and possibly discipline. In my opinion, another evidence of restraint."

The informant further stated that he might be in a position to furnish specific information if he could be advised just what particular points it is desired to prove, with regard to the American Medical Association; for example, "how the press is dominated by the American Medical Association" or "how the whole structure of medical societies is dominated by the American Medical Association."

With further reference to malpractice insurance, the informant stated that this form of insurance is written by several old line companies, but that one company usually has all of the business in a certain district, and he believes that at present, the company

Best copy available.

50-360

which handles this business in New York is the Yorkshire Indemnity Company, and that this allocation of territory with regard to this business, seems to be understood and observed by the various companies; that when a physician applies for this insurance, he is referred by the Insurance Company or the broker, to the Secretary of the County Medical Society, who gives him to understand that unless he is a member of the Society, he cannot take this form of insurance, and he is advised "if you are a member of the Society, no physician will testify against you"; further, that the policies contain a clause to the effect that the policy may be cancelled if the insured ceases to be a member of the Medical Society; that these policies are all written for one year, and that in some instances, the Insurance Company might just merely not renew the policy instead of cancelling it."

The informant further stated "the path of independent medical journalism in this country has been made hilly by DR. FISHER and the Medical Association for the simple reason that they want to dominate the field, and be the only ones in the field; monopolize all medical advertising, medical journalism, and medical insurance."

Pharmaceutical firms cannot appear at the exhibition of the American Medical Association's Conventions unless they are advertisers in the American Medical Association Journal. For instance, if the American Telephone & Telegraph Company wants to exhibit a heart apparatus at the conventions, they could not, unless it was advertised in the Journal of the American Medical Association."

In illustration of what he termed the American Medical Association's policy of "ruin and rule", and its practice of blocking any new or progressive medical activity unless and until it could be brought within the scope of its monopolistic control, the informant recalled that some years ago, [REDACTED]

[REDACTED] the use of motion pictures for medical teaching and instruction; that DR. FISHER and the American Medical Association at that time were heavily involved in the use of lantern slides for this purpose, and declined to approve the use of motion pictures until eventually this field was taken over by a man personally selected by DR. FISHER.

The informant further cited that some years ago DR. ROBERT I. MORRIS, a wealthy, retired physician and a descendant of the

b7D

Best copy available

60-560

old colonial family, conceived the idea of establishing a charitable physician's home and for this purpose donated his complete farm, that for the purpose of obtaining funds to defray operating expenses, DR. MORRIS invited a number of physicians [redacted] to collaborate in writing a book for sale to be sold to the public; that the American Medical Association, and its Journal was very critical of the entire project and was very abusive toward DR. MORRIS for his part in it; however, that after this project had been ruined, the Medical Association itself promoted the idea of a physician's home, which is managed by one of DR. FISHBEIN'S henchmen. b7D

The informant further stated that while DR. FISHBEIN and the American Medical Association have been strenuously opposed to the group medical projects, he believes that in the future, if they can find a way to bring such projects within their monopolistic control, they will then strongly support this movement.

In conclusion, the informant stated that he would be very glad to endeavor to answer any specific questions which the Department might desire to ask with regard to the information contained in his statement.

REFERRED UPON COMPLETION TO OFFICE OF ORIGIN.

Best copy available

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

WASHINGTON FIELD

FILE NO 60-273

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 11-30-40	PERIOD FOR WHICH MADE 11-19-40	REPORT MADE BY J. W. CORE JWC:MSH
TITLE AMERICAN MEDICAL ASSOCIATION; THE MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA; HARRIS COUNTY MEDICAL SOCIETY; WASHINGTON ACADEMY OF SURGERY; ARTHUR CARLISLE CHRISTIE, COUSIN BAXTER COMBLEN; JAMES RAYARD GREGG LUSKIS.			CHARACTER OF CASE CONSPIRACY ANTITRUST
SYNOPSIS OF FACTS WILLIAM DICK CUTTER; MORRIS FISHERIN; THOMAS ALLEN HOOVER; ROBERT ARTHUR HOOB; ROSCO GORDON LELAND; LEON ALPHONSE MARTEL; THOMAS ERNEST MATTINGLY; FRANCIS AVIER McGOVERN; THOMAS EDWIN NEILL; EDWARD MIRAN REEB; WILLIAM MERCER SPRIGG; WILLIAM JOSEPH STANTON; JOHN OGLE WARFIELD, JR.; CLIN WEST; PRENTISS WILSON; WILLIAM CREIGHTON WOODWARD; WALLACE MASON YATER; JOSEPH ROBERTS YOUNG.			

SYNOPSIS OF FACTS:

All the investigation requested by the Antitrust Division has been completed.

- C -

REFERENCE:

Report of Special Agent JOHN W. CORE, dated at Washington, D. C., October 23, 1940.

DETAILS:

AT WASHINGTON, D. C.

A review of the file in this case reflects that all of the investigation requested by the Antitrust Division has been conducted and reports submitted thereon.

- CLOSED -

APPROVED AND FORWARDED <i>[Signature]</i>	DO NOT WRITE IN THESE SPACES
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Report Form
FD-72 (5-12-55)

FEDERAL BUREAU OF INVESTIGATION

~~SECRET~~

REPORTING OFFICE NEW YORK	OFFICE OF ORIGIN NEW YORK	DATE FEB 25 1957	INVESTIGATIVE PERIOD 1/25-31, 2/6-8, 19, 20/57
TITLE OF CASE DR. IRVING VANYA SOLLINS, was. (MOCASE) INDEXED 8, 10-14, 16-19, 21-26, 29-49, 52-61.		REPORT MADE BY [Redacted]	TYPED BY jen/as b6 b7C
		CHARACTER OF CASE ESPIONAGE - R	

SYNOPSIS:

JACK SOBLE told informant in 1948 that ALFRED K. STERN had been in business with Dr. ROBERT SOBLE and a "Dr. SOLOS," selling penicillin and that their company was operated as a cover for espionage purposes. SOBLE stated that "Dr. SOLOS" was unaware of the actual purpose of the organization and was used merely as a procurer of penicillin. UNRRA investigation, 1946, revealed SOLLINS and ALFRED K. STERN were associated in Inter-American Pharmaceutical Corporation. SOLLINS interviewed, 1/25, 26, 29/57. Background information re SOLLINS obtained. He advised he was employed by UNRRA, 1944-1946, and had known ROBERT SOBLE since that period. As a result of ROBERT SOBLE's introducing SOLLINS to ALFRED K. STERN, the latter two formed the Inter-American Pharmaceutical Corporation in 1946 for exportation of pharmaceuticals to Latin American countries. Association lasted until 1947, when SOLLINS advised he disassociated himself from the firm and STERN, due

APPROVED [Signature]	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 5 - Bureau (101-3667) (RM) (Encs. 10) 2 - USA, SDNY (RM) 2 - Chicago (RM) 1 - Los Angeles (65-4550) (Info.) (RM) 1 - San Francisco (Info.) (RM) 1 - Washington Field (65-4972) (Info.) (RM) (6) - New York (65-14740) (1 - 65-14702) (Sub D) (MOCASE) (1 - 100-65568) (ALFRED K. STERN) (1 - 100-88714) (Dr. ROBERT SOBLE)		65-14740	136

b6
b7C

NY 65-14740

were aboard ship enroute to the United States at the time of the Japanese attack on Pearl Harbor on December 7, 1941. SOLLINS said he also had learned that ROBERT SOBLE worked as an intern in a hospital in Brooklyn, New York, after arriving in the United States.

Concerning travel performed by ROBERT SOBLE, SOLLINS advised that ROBERT SOBLE and his wife, DINA, went to Mexico for a two-week vacation about two years ago. He said that they consulted him regarding what airline they should take, where they should stay, and interesting places to visit in Mexico City. SOLLINS stated that the last day the SOBLES spent in Mexico, he, SOLLINS, was there on business. He said ROBERT SOBLE called him and that he took them out to dinner as well as on a short sightseeing trip. He advised that to his knowledge, ROBERT SOBLE did not contact ALFRED K. STERN in Mexico City and that he, SOLLINS, did not even know STERN was living in Mexico at that time. ✓

SOLLINS advised he had noticed that about the only time ROBERT SOBLE ever contacted him was when ROBERT wanted to ask for some favor. ✓

He stated that about 1952 DINA SOBLE had contracted cancer. He said she had an unsuccessful operation in New York and that ROBERT became extremely upset. He stated that ROBERT SOBLE had consulted cancer specialists at Memorial Hospital in New York and that they told him there was very little hope. He said they wanted to perform an operation on DINA from which only one patient in ten recovers and that they told ROBERT SOBLE this operation was her only chance for survival.

Dr. SOLLINS stated that at about that time articles appeared in several newspapers regarding a new cancer treatment, utilizing Krebiozin, a new serum that was being tested in a Chicago hospital. He said ROBERT SOBLE had tried through New York doctors to have DINA

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NY 65-14740

sent to the Chicago hospital for treatment with the serum but that his efforts had been unsuccessful. He advised ROBERT asked him if he knew any person of influence who could get DINA in the Chicago hospital so she might be treated with the new serum.

Dr. SOLLINS stated that he called Dr. WILLIAM FISHBEIN, a brother of MORRIS FISHBEIN, Head of the American Medical Association at that time, and talked with him concerning the admission of DINA SOBLE to the Chicago hospital for treatment. SOLLINS said he had known WILLIAM FISHBEIN while working with the United States Public Health Service in Chicago and that through FISHBEIN, he succeeded in having DINA admitted to the Chicago hospital for treatment. He stated that since that time both DINA and ROBERT SOBLE have credited him with saving her life.

Dr. SOLLINS advised it was his belief that ROBERT SOBLE engaged in extramarital relations, as he had on two occasions observed him with women other than his wife. He said that about 1950 he saw ROBERT with a woman somewhere in New York City but that he could not recall where he saw him and could not describe the woman with ROBERT. SOLLINS advised that while employed with Chemical Specialties in 1953, ROBERT SOBLE and a woman SOLLINS did not know attended the company Christmas party. SOLLINS said he probably had invited ROBERT to this party but that he did not recall having done so. He described the woman who came with ROBERT as attractive, dark hair, medium height, and somewhat heavily built, but said he could not recall her name. He advised, however, that [redacted] at Chemical Specialties was a Miss [redacted] and that he believed she was a friend of the woman who accompanied ROBERT SOBLE to the party.

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FEDERAL BUREAU OF INVESTIGATION
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UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (105-110603)

DATE: 9/28/62

MB
FROM : SAC, ALBANY (105-4114) (P)

SUBJECT: JACEK JAN NIECKO
IS-PO

OO: ALBANY

Re Bureau routing slip with enclosure dated 9/7/62, copies of which were designated for Chicago, New York and WFO. Enclosure indicated that subject intended to visit Cornell University from 9/62 to 6/63, after spending two weeks with relative, Dr. MORRIS FISHBEIN, 5454 S. Shore Drive, Chicago. *ll*

On 8/3/62, [REDACTED], Foreign Student Office, Cornell University, Ithaca, N.Y., advised SA PETER F. MAXSON that subject had been accepted for admission as a graduate student for the 1962-1963 school year.

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On 9/25/62, [REDACTED], Registrar's Office, Cornell University, advised she could locate no registration card for the subject, noting that registration took place on 9/17/62.

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On 9/26/62, [REDACTED] advised that her office has no record of subject's arrival at Cornell, that he has not checked into this office, and that consequently she was quite certain that he has not come to Cornell.

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On 9/27/62, [REDACTED], Cornell Graduate School, advised that although subject was accepted for admission this term, he has not yet arrived at the University.

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- 2 - Bureau (RM)
- 2 - Chicago (RM)
- 2 - New York (RM)
- 2 - WFO (RM)
- 2 - Albany

PFM:pab
(10)

58 OCT 8 1962

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SEC.D

3-4 25 BH .25

REC-10

15 OCT 1 1962

ST-104

105-110603-4
HSP SEC.

UNITED STATES GOVERNMENT

Memorandum

TO: DIRECTOR, FBI (105-110603) DATE: October 23, 1962

FROM: SAC, CHICAGO (105-13836) (RUC)

SUBJECT: JACEK JAN NIECKO
IS - PO
(OO: ALBANY)

Re Bureau Routing Slip to Albany dated September 7, 1962, with enclosures and Albany letter to the Bureau dated September 28, 1962.

Office Indices of the Chicago Office do not contain any identifiable information with subject. Chicago Office Indices revealed the following information concerning Dr. MORRIS FISHBEIN, 5454 South Shore Drive, Chicago, Illinois, identified as a relative of subject, with whom he was to spend two weeks prior to beginning study at Cornell University:

In Chicago file 60-392, Bureau file 60-2771 entitled "AMERICAN MEDICAL ASSOCIATION, ET AL, CONSPIRACY; ANTITRUST" in which Dr. MORRIS FISHBEIN was a co-subject, FISHBEIN as of 1938-41 is identified as the editor of the Journal of the American Medical Association. In Chicago file 32-246 entitled, "DR. MORRIS FISHBEIN, IDENTIFICATION MATTER," FISHBEIN was identified in a letter to the Bureau dated May 8, 1961, as being the former editor of the "Journal of the American Medical Association," who appeared monthly on the radio program of Don Mc Neil's Breakfast Club. Dr. FISHBEIN's residence was set forth as the Shoreland Hotel at 5454 South Shore Drive, Chicago, Illinois.

On September 14, 1962, Investigative Clerk [redacted] caused a search of the records of the Chicago Credit Bureau, Incorporated, to be made concerning Dr. MORRIS FISHBEIN, which revealed his residence as

- 2 - Bureau (RM)
 - 2 - Albany (105-4114) (RM)
 - 1 - New York (Info) (RM)
 - 1 - Washington Field (Info) (RM)
 - 1 - Chicago
- GGP:gaa
(7)

REC-43

105-110603-5

EX-113

OCT 25 1962

SEC.

60 NOV 26 1962

CG 105-13836

5454 South Shore Drive, Chicago, Illinois, in a report dated August 11, 1955. The credit bureau report further identified FISHBEIN as a physician and surgeon who is very well known in the medical field. He has been associated with the American Medical Journal since 1913, is the editor of Bulletin of Society of Medical History, is a professional lecturer at the University of Chicago School of Medicine, is a syndicated writer for the "Chicago Sun-Times" newspaper, is editor of the World Medical Association Bulletin, is also medical editor of the Encyclopedia Britannica and Britannica Book of the Year. He is also foreign correspondent Association Belgian Medical Press, foreign correspondent Member Society of Internal Medicine for the Argentine Medical Association of Buenos Aires. FISHBEIN is further described as having served on many committees, as having been decorated by many countries, and as also having written many medical books from which he receives very substantial royalties.

On October 10, 1962, [redacted] to Dr. MORRIS FISHBEIN, Room 835, Shoreland Hotel, 5454 South Shore Drive, Chicago, Illinois, was contacted by SA [redacted] under pretext as a representative of the Immigrant Welfare Committee, Travel Congo Section, for the purpose of determining if subject was a relative of the FISHBEINS and had arrived in the U.S.

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[redacted] advised that Dr. FISHBEIN was out of the city but that she was familiar with subject's relationship to the FISHBEIN family. She reported subject is the nephew of Dr. FISHBEIN's wife and that he was scheduled to arrive in Chicago during early September for a two week visit prior to his entry to Cornell University for a year of study. She stated it was her understanding that subject did not obtain the full benefits of the fellowship he was striving for at Cornell, and consequently decided not to come to the United States for study at that university. [redacted] advised it is her understanding subject is now pursuing his education in England. She concluded that to her knowledge subject did not come to the United States and has never previously visited this country.

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No further investigation will be conducted by the Chicago Office in this matter.

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON

19 January 1949

MEMORANDUM FOR THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Attention: Mr. Edward S. Sanders

There is attached hereto a list of prospective invitees to a joint orientation course to be held by the Secretary of Defense at which classified information will be discussed.

It will be appreciated if you will furnish this office any information contained in your files which may affect the access of these individuals to classified information.

Inasmuch as it is anticipated that the invitations to attend this conference will be mailed in the near future, it would be appreciated if you would complete this check as expeditiously as possible.

RECORDED - 34
EX-125
JAN 20 1949
CLAUDE D. BARTON
Lt. Col., Infantry
Security Officer, OSD

Attachments

*Spent 40 min
delivered results of name
checks requested by above names
to Lt. Col. Barton, & it
is done by reference on 2-28-49
M. H. H. H.
Done returned to
the to - 2-28-49
M. H. H. H.*

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. FLETCHER

FROM : V. P. KEAY

SUBJECT: REQUEST RECEIVED FROM OFFICE
OF SECRETARY OF DEFENSE FOR NAME
CHECKS ON 84 PROMINENT INDIVIDUALS.

DATE: January 28, 1949

Mr. Tolson ✓
Mr. E. A. Tamm ✓
Mr. Clegg ✓
Mr. Glavin ✓
Mr. Ladd ✓
Mr. Nichols ✓
Mr. Rosen ✓
Mr. Tracy ✓
Mr. Egan ✓
Mr. Gurnea ✓
Mr. Harbo ✓
Mr. Mohr ✓
Mr. Pennington ✓
Mr. Quinn Tamm ✓
Tele. Room ✓
Mr. Nease ✓
Miss Gandy ✓

Attached is a memorandum from the Office of Secretary of Defense in which the Bureau is requested to make a name check of 84 prominent individuals who are to attend an orientation course. Liaison was advised this course would not be given for approximately 30 days, and that invitation to those to attend would be held in abeyance pending completion of these name checks.

It is noted that identifying data was furnished with a separate form for each of the 85 individuals. It is further noted that particularly all of these individuals are leaders in their respective field and that many are nationally prominent. Therefore, the entire list is being set out hereinafter:

NAMEOCCUPATION

1. ADAMS, Charles Edward	Chairman, Air Reduction Co., Inc., New York City.
2. ADAMS, Phillip E.	President Elect, American Dental Assoc. Boston.
3. ALGREN, Frank Richard	Editor, The Commercial Appeal, Memphis.
4. ARNOLD, Chester Irving	President, The Rockefeller Foundation, New York City.
5. BLAX, Francis Eric (Bishop)	President, Church Federation of Los Angeles, Los Angeles.
6. BREECH, Ernest Robert	Vice-Pres., Ford Motor Company, Dearborn, Michigan.
7. BROWN, Lewis H.	Chairman of the Board, Johns Manville Corp., New York City.
8. BUCKMASTER, Leland Stanford	President, United Rubber, Cork, Linoleum & Plastic Workers of America, Akron, Ohio.
9. CAMPION, Howard Arthur	Superintendent, Los Angeles Public Schools, Los Angeles.
10. CERF, Bennett Alfred	President, Random House, Inc., New York City.
11. CHANDLER, Loren Roscoe	Dean, School of Medicine, Stanford University, Stanford, California.
12. CHRISTOPHER, George T.	President, Packard Motor Car Co., Detroit.
13. COOLIDGE, Thomas Jefferson	Chairman of the Board, United Fruit Co. Boston.
14. COOPER, Kent	Chief Business Executive, The Associated Press, New York City.
15. CURRAN, Joseph Edwin	President, National Maritime Union of America, New York City.
16. BAY, Edmund Ezra (Doctor)	President, Cornell University, Ithaca, New York.

EX-125

RECORDED - 34

INDEXED - 34

APR 24 1949

Attachment

see 15,33 - this file

MR. FLETCHER

<u>NAME</u>	<u>OCCUPATION</u>
✓ 17. DENNIS, Lindley Hoag	Exec. Secretary, American Vocal Assn., Washington, D.C.
✓ 18. DRYDEN, George Bascomb	President, Dryden Rubber Co., Chicago.
✓ 19. DYKE, Ken Reed	Public Relations, Advertising Executive, National Broadcasting Co., New York City.
✓ 20. EISENHART, Martin Herbert	President, Bausch & Lomb Optical Co., Rochester, New York.
✓ 21. FISHBEIN, Morris	American Medical Association, Chicago.
✓ 22. FOLSOM, Frank Marion	President, Radio Corp of America, New York City.
✓ 23. FREEMAN, Y. Frank	Chairman of Board, Association of Motion Picture Producers, Hollywood, Calif.
✓ 24. GEIGER, Jacob Casson (Doctor)	Director, Public Health, San Francisco.
✓ 25. GEIST, Walter	President, Allis-Chalmers Manufacturing Co., Milwaukee, Wisconsin.
✓ 26. GIANMINI, Lawrence Mario	President, Bank of America, San Francisco.
✓ 27. GOSS, Albert S.	Master, National Grange, Washington, D.C.
✓ 28. GRAHAM, Everts Ambrose (Doctor)	Washington University School of Medicine, St. Louis.
✓ 29. GRAHAM, Philip L.	Publisher, Washington Post, Washington, D.C.
✓ 30. GREEN, John	President, Marine & Shipbuilding Workers of America, Camden, New Jersey.
✓ 31. HANCHER, Virgil Melvin	President, University of Iowa, Iowa City, Iowa.
✓ 32. HARRIS, Winder Russell	Vice President, Shipbuilders Council of America, Washington, D.C.
✓ 33. HARRISON, George McGregor	President, Grand Lodge of Brotherhood of Railway Clerks, Cincinnati.
✓ 34. MARSHAW, William Jacob	President, Harshaw Chemical Co., Cleveland
✓ 35. HOPKINS, John Jay	President, Electric Boat Co., Washington, D.C.
✓ 36. HOUGHTON, Amory	National President, Boy Scouts of America; Chairman of Board, Corning Glass Company, Corning, New York.
✓ 37. HOWARD, Roy Wilson	President and Editor, New York World Telegram Corporation, Scripps Howard Newspapers, New York City.
✓ 38. JONES, William Larimer (Jr.)	Vice President, Jones & Laughlin Steel Corp., Pittsburgh, Pa.
✓ 39. KANZLER, Ernest Carlton	Chairman, C.I.T. Corporation, Detroit.
✓ 40. KEMP, Alexander Nesbitt	Director, Standard Oil Co. of California, Los Angeles.
✓ 41. KLINE, Allan Blair	President, Farm Bureau Federation, Washington, D.C.
✓ 42. KNOWLES, Harvey Coles	Vice President, Proctor & Gamble Co., Cincinnati.

MR. FLETCHER

<u>NAME</u>	<u>OCCUPATION</u>
43. LAWRENCE, Ernest Orlando	Professor of Physics & Director of Radiat Laboratories, University of California.
✓ 44. LEFEBVRE, Gordon	✓ President, Cooper-Bessemer Corporation, Mount Vernon, Ohio.
✓ 45. LETOURNEAU, Robert Gilmore	President, R. G. LeTourneau, Inc., Peoria, Illinois.
✓ 46. LINDNER, Clarence Richard	Publisher and Managing Editor, San Francis Examiner, San Francisco.
✓ 47. LUCE, Henry Robinson	Publisher, Time, Life and Fortune, Radio City, New York.
✓ 48. MALOTT, Deane Waldo	President, University of Kansas, Lawrence, Kansas.
✓ 49. MAYER, Louis Burt	Vice President, MGM Corporation, MGM Studi Culver City, California.
✓ 50. MCKELWAY, Benjamin Mosby	Editor, Washington Evening Star, Washingto D.C.
✓ 51. MEAD, James M.	79 Ideal Street, Buffalo, New York.
✓ 52. MEANY, George	Secretary-Treasurer, American Federation o Labor, Washington, D.C.
53. MEEK, Samuel Williams	J. Walter Thompson Co., New York City.
✓ 54. MITCHELL, Don G.	President, Sylvania Elec. Prod., Inc., New York City.
✓ 55. MURPHY, Francis S.	Hartford Times, Hartford, Connecticut.
✓ 56. NORRIS, Ernest Eden	President, Southern Railway System, Washington, D.C.
✓ 57. ODLUM, Floyd B.	President, Atlas Corporation, New York Cit
✓ 58. PATTERSON, Frederick Douglas	President, Tuskegee Institute, Tuskegee Institute, Alabama.
✓ 59. PATTERSON, Morehead	Chairman of the Board, American Machine & Foundry Co., New York City.
✓ 60. PEGLER, Westbrook	King Features Syndicate, New York City.
✓ 61. QUEENY, Edgar Monsanto	President, Monsanto Chemical Company, St. Louis, Mo.
✓ 62. RANSOM, William Lynn	c/o Whitman, Ransom, Coulson & Goetz, New York City.
✓ 63. RAPPLEYE, Willard Cole	Dean of College of Physicians & Surgeons, Columbia University, New York City.
✓ 64. REAM, Joseph H.	Executive Vice President, Columbia Broadcasting System, New York City.
✓ 65. RENTSCHLER, George Adam	President, General Machinery Corporation, Hamilton, Ohio.
✓ 66. REUTHER, Walter Philip	President, International Union, United Automobile, Aircraft and Agriculture Implement Workers of America, Detroit.
✓ 67. ROACH, Alden G.	President, Consolidated Steel Corporation, Los Angeles.

MR. FLETCHER

<u>NAME</u>	<u>OCCUPATION</u>
✓ 68. ROBERTS , Owen Josephus	Justice, U. S. Supreme Court, Chester Springs, Pa.
✓ 69. ROBERTS , Roy Allison	President & General Manager, Kansas City Star, Kansas City, Mo.
✓ 70. SARNOFF , David	Chairman, Board of Directors, National Broadcasting Company, New York City.
✓ 71. SAYRE , Morris	President, National Association of Manufacturers, New York City.
✓ 72. SCHRAM , Emil	President, New York Stock Exchange, New York City.
✓ 73. STAMM , John Samuel (Bishop)	President, Federated Council of Churches, New York City.
✓ 74. STEBBINS , Ernest Lyman	Director, School of Hygiene and Public Health, Baltimore.
✓ 75. TOBIN , Daniel J.	President, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Indianapolis, Ind.
✓ 76. UREY , Harold Clayton	Institute of Nuclear Studies, University of Chicago, Chicago.
✓ 77. VANDERBILT , Arthur T.	Chief Justice, New Jersey Supreme Court, Short Hills, New Jersey.
✓ 78. VAN LEER , Blake Ragsdale (Doctor)	President, Georgia School of Technology, Atlanta, Ga.
✓ 79. WALSH , Edmund Aloysius	Georgetown University, Washington, D.C.
✓ 80. WEIL , Frank L.	President, National Jewish Welfare Board, New York City.
✓ 81. WEINBERG , Sidney James	Goldman, Sachs Company, New York City.
✓ 82. WELSH , George Wilson	President, U. S. Conference of Mayors, Grand Rapids, Michigan.
✓ 83. WHITE , Roy Barton	President, Baltimore & Ohio RR Co., Baltimore.
✓ 84. ZOOK , George Frederick (Doctor)	President, American Council on Education, Washington, D.C.

ACTION:

|| These requests will be handled in compliance with existing rules.